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A CORNER IN THE KITCHEN OF THE PARSON CAPEN HOUSE
SHOWING THE SEVENTEENTH CENTURY DRESSER

THE
HISTORICAL
COLLECTIONS
OF THE
TOPSFIELD HISTORICAL SOCIETY

VOLUME XXVII

1922

TOPSFIELD MASS.
PUBLISHED BY THE SOCIETY
1923

GEORGE FRANCIS DOW

Editor

THE PERKINS PRESS

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MASS.

CONTENTS

CORNER IN THE KITCHEN OF THE CAPEN HOUSE	-	<i>Frontispiece</i>
OFFICERS OF THE SOCIETY, 1921	- - - - -	iv
ANNUAL REPORT OF THE SECRETARY FOR THE YEAR ENDING		
DEC. 31, 1921	- - - - -	v
ANNUAL REPORT OF THE TREASURER FOR THE YEAR ENDING		
DEC. 31, 1921	- - - - -	vii
ANNUAL REPORT ON THE BUILDING FUND	- - - - -	viii
THE TRIAL OF WILLIAM BEALS AND CHARLES G. GREENE,		
FOR AN ALLEGED LIBEL ON ALFRED W. PIKE, PRECEPTOR		
OF THE TOPSFIELD ACADEMY	- - - - -	1
ESSEX COUNTY QUARTERLY COURT RECORDS RELATING TO		
TOPSFIELD (1672-1679), ABSTRACTED BY GEORGE FRANCIS		
DOW	- - - - -	49
NEWSPAPER ITEMS RELATING TO TOPSFIELD, COPIED BY		
GEORGE FRANCIS DOW	- - - - -	97
TOPSFIELD VITAL STATISTICS, 1921	- - - - -	141
CHRONOLOGY OF EVENTS, 1921	- - - - -	144
BUILDINGS CONSTRUCTED, 1921	- - - - -	144

OFFICERS
OF THE
TOPSFIELD HISTORICAL SOCIETY
1921

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ANNUAL REPORT OF THE SECRETARY

OF THE

TOPSFIELD HISTORICAL SOCIETY

FOR THE YEAR ENDING DEC. 31, 1921.

The membership of the Society on December 31, 1921, was 224. Four new members have been added, and seven have died, viz: George L. Gould who joined the Society in 1895, Mrs. Mary J. Dodge and Andrew Nichols of Danvers, elected in 1896, Fitzroy Kelly of Boston, elected in 1899, Senator George Peabody Wetmore of Newport, R. I., elected in 1907, George Harlan Lewis of Los Angeles, Calif., elected in 1915, and Mrs. Marion W. Pentecost, elected in 1917.

Mr. Sheahan continues as custodian of the Parson Capen House and during the year has received many visitors interested in Colonial architecture. No additions have been made to the furnishings but an early type bed is greatly needed for the parlor and in the absence of an available original a faithful reproduction seems our only recourse.

Another installment of one hundred dollars has been paid on the Capen House note held by Mrs. Newhall and it is hoped that the coming year may make possible a further payment.

Historical Collections, Volume XXVI has been published, the new face of type and the wider measure of the page and margins making it a dignified and handsome volume and a credit to the Society.

At the regular meetings papers were read or addresses made by Mr. Sargent H. Wellman on "The French and their life," by Mrs. Alice G. Dow on "A Grandfather's Home—Wakefield, N. H. about 1840," and by the Secretary on "The Birthplace of Rufus Choate and its recent Restoration" and also on "Men's Blue Frocks of the Olden Time." On May 11th a free public lecture was given in the Town Hall, under the auspices of the Society, by Mr. Horace H. Atherton, Jr., Register of Probate, his subject being "Probate Court Side Lights."

During the fall one of our early members died—Mr. George Lambert Gould—and the probating of his will revealed the following bequest to this Society, viz:

"To the Topsfield Historical Society of Topsfield, Mass., toward a fund, the income of which is to be used in the preservation and maintenance of the building owned by the society adjacent to the "Common," known as the "Capen House," (erected by my ancestor, Rev. Joseph Capen, in 1683), the sum of four hundred (400) dollars, and with the further sum of one hundred (100) dollars toward the erection near the street of a suitable appropriate gateway and sign briefly describing the building."

Mr. Gould was always interested in the welfare of the Society and at the time of the restoration of the Parson Capen House he manifested his interest in a practical manner in contributing to the cost of needed furnishings. His bequest will supply necessary income to cover the cost of the usual annual repairs and the supplementary gift of one hundred dollars will permit the erection of a sign long needed to call the attention of the stranger to the unique interest of our ancient house. Mr. Gould's name will always be held in grateful remembrance by the Society for his timely recognition of our practical needs and it is suggested that his bequest, when received, shall be known as the *George Lambert Gould Fund*, the principal and income to be kept separately from other funds in the accounts of the Treasurer and duly reported upon at each annual meeting thereafter.

Respectfully submitted,

GEORGE FRANCIS DOW,

Secretary.

ANNUAL REPORT OF THE TREASURER

OF THE

TOPSFIELD HISTORICAL SOCIETY

FOR THE YEAR ENDING DEC. 31, 1921.

RECEIPTS

Jan. 3, 1921	Balance cash on hand	\$101 09	
	Annual dues	53 00	
	Historical Collections sold	8 00	
	" " bindings at .40c	1 20	
	" " " at .50c	9 50	
		<hr/>	\$172 79

PAYMENTS

Historical Collections, Vol. 26 acct. printing	100 00	
" " Vol. 25, binding	50 72	
Postals and printing	3 02	
Posters—Atherton Lecture	3 00	
Annual meeting, refreshments	83	157 57
	<hr/>	
Balance cash on hand		\$15 22
		<hr/>

Respectfully submitted

GEORGE FRANCIS DOW,

Treasurer.

Approved,

W. PITMAN GOULD

Auditor.

TREASURER'S REPORT ON THE BUILDING FUND
OF THE
TOPSFIELD HISTORICAL SOCIETY
FOR THE YEAR ENDING DEC. 31, 1921.

RECEIPTS

Jan. 3, 1921	Balance cash on hand	\$76 08	
	Dividends United Shoe Mach. Co. stock	90 00	
	Rent of Capen House (Mr. Sheahan)	120 00	\$286 08
			<hr/>

PAYMENTS

On acct. collateral note	100 00	
Interest on "	81 00	
Insurance on Capen House	18 75	
Repairs on "	9 93	
Repairs on casement windows	10 95	
Automobile—Atherton lecture	9 00	229 63
		<hr/>
Balance cash on hand		\$56 45
		<hr/>

STATEMENT

On hand 45 sh. United Shoe Mach. Co.	
market value 37 1-2	\$1,687 50
Less collateral note Mrs. Ada N. L. Newhall	1,300 00
	<hr/>

Value of Fund	\$387 50
	<hr/>

Parson Capen House and 1 1-5 acre land	
cost	\$2100 00
Restoration and Furnishings	2461 12
	<hr/>
	\$4561 12
	<hr/>

Respectfully submitted,

GEORGE FRANCIS DOW,

Treasurer.

Approved

W. PITMAN GOULD

Auditor.

(viii)

THE TRIAL OF WILLIAM BEALS AND CHARLES G.
GREENE, FOR AN ALLEGED LIBEL, PUBLISHED IN THE
BOSTON MORNING POST, ON ALFRED W. PIKE,
PRECEPTOR OF THE TOPSFIELD ACADEMY, WITH
DAMAGES LAID AT \$10,000.

REPRINTED FROM THE ACCOUNT OF THE TRIAL PUBLISHED
AT THE TIME.

This prosecution grew out of the publication, in the Boston Morning Post, of the following communication, on the 2d of May, 1835 :—

“BRUTAL CRUELTY.

To the Editor of the Boston Morning Post :

Sir—A case of unparalleled cruelty has come under my observation, which I hope, for the sake of humanity, you will give a place in your paper. A child 8 years old, (Sarah B. Jay) was placed under the care of a Mr. Pike, schoolmaster, and member of Mr. Winslow's church, with a promise on his part to bring up the child as he would his own. Mr. P. removed to Topsfield, Mass., last autumn, since when the child has suffered the utmost cruelty—her food has been chiefly Indian meal and water—she has been compelled to sleep on straw, in an upper room, with scarcely covering enough to keep life in her—and during the last rigorous winter exposed so as to freeze her feet and hands badly. Finally, Mr. P. sent word to her mother that he had put her in the *Alms House*, where she was very comfortable and could remain if her mother chose. But her mother, feeling indignant at such conduct, desired Mr. P. to send her daughter home. He complied with the request, and she arrived at her mother's a day or two since, hungry, half naked, and reduced to the lowest state of wretchedness.”

About a week subsequent to the appearance of this communication, the following certificate, in reply to it, was published in the Essex Register, from which it was copied into the Post by Mr. Greene, who subjoined to it the editorial strictures which accompany it :—

"From the Essex Register.

"BRUTAL CRUELTY."

Messrs. Editors—Having seen in the Boston Post, of May 2d, 1835, an anonymous communication, headed "Brutal Cruelty," accusing MR. PIKE, of this town, in several particulars in respect to his treatment of a young girl, *Sarah B. Jay*, who has lived in his family during the last five or six months, and who has been recently returned to her mother in Boston. We the undersigned, have availed ourselves of such means, as we consider sufficient to authorize us to form and express an opinion in the case—and accordingly certify that we are satisfied that there has been no cause of complaint against Mr. and Mrs. Pike, in respect to the girl. We are satisfied that she was well fed and clothed, and comfortably provided for on their part. Her sickly appearance and diseased feet, we consider a necessary consequence of her own personal conduct, which was, for more than two months previous to her being placed at the disposal of the Overseers of the Poor of Topsfield, filthy and disgusting in a degree we have never known equalled. And therefore, we view the communication alluded to as slanderous in the extreme. We have the fullest confidence in the kindness and attention of Mr. and Mrs. Pike to all under their care.

N. CLEVELAND,
JACOB TOWNE,
MOSES WILDES,
R. A. MERRIAM,
JAMES F. McEWEN,
NATHANIEL PERLEY,
JEREMIAH STONE.

Topsfield, May 6, 1835."

"Sarah B. Jay is eight years of age—Mr. Pike, took her under a promise to treat her with as much kindness as he would one of his own children. Is it a sufficient excuse for the present condition of the child that she was unclean in her habits, or forward in her disposition, providing such are the facts? It certainly was the duty of Mr. and Mrs. P. to enforce a degree of cleanliness upon her sufficient to prevent the breeding of disease and vermin, or else return her to her parents, and not suffer a little girl eight years of age to continue in a state of filth which has destroyed her health and strength for life, even if it should be continued to her, which is extremely doubtful. Her feet have been *frozen*—she says this was occasioned by a want of bed clothes during the severe weather last winter; but Messrs. Cleaveland & Co. consider the operations of the frost "the

necessary consequence of her own personal conduct." Messrs. Cleaveland & Co. are satisfied that the child was "well fed and clothed"—the clothes she received from Mr. Pike, during six months, including the last severe winter, consisted of one blue, short-sleeved, cotton frock—an old knit shawl, one or two pairs of stockings, and a second-handed pair of shoes—thus clothed she returned to her parents, during one of the coldest days of the present spring, in a weak and exhausted state, from the alms house, where Mr. Pike placed her!—Is this the kindness he would show to his own child?—Is this "comfortable" clothing? Would Mr. Cleaveland consider it so for his own child, if he has one?—Certainly not, and no man of common sense and common humanity would say it was—we are unacquainted with Mr. Cleaveland and his associates.

The above "certificate" does not relieve Mr. Pike in the least from his responsibility in this affair—the child is an object of suffering wretchedness—she resides in Myrtle street and can be seen by any one—her parents are poor, but honest, respectable, industrious people—we know nothing of Mr. P. more than we have heard within a few weeks, and have no other object in following up this subject than to expose, what appears to us to be, conduct of the most cruel and censurable character. We understand that several gentlemen of wealth have interested themselves in the affair, and that it will probably undergo a Judicial investigation."—*Boston Morning Post*, May 14.

It will be observed, that in the preceding editorial comments, Mr. GREENE reiterated, generally, the charges against Mr. Pike contained in the Communication of May 2, and for this reason Mr. Pike, as his counsel states, brought his action for Libel. The trial commenced at Salem, on Monday, November 23, 1835, before the Supreme Judicial Court.

As soon as the Court was organized,* a motion was made by Mr. Huntington, that permission should be granted to take the deposition at Topsfield, of Mrs. Martha Williams, aged 74, the mother-in-law of Mr. Pike, who made an affidavit, that she had been suddenly taken sick, and was unable to attend Court. This application was resisted by Mr. Saltonstall, on the ground that Mr. Pike's affidavit was not

*PRESENT.—Hon. SAMUEL PUTNAM, Associate Justice of Supreme Judicial Court, Presiding.

JURY.—*Andrew Lunt*, Foreman; *Miles F. Griffin*, *Amos Gould*, *William Hook*, *Samuel Ireson*, *Samuel Jenkins, Jr.*, *Daniel Leach*, *Jacob Newhall, Jr.*, *Thomas Payson*, *Wells Smith*, *Israel Trask*, *James Whittier*.

COUNSEL.—*Rufus Choate* and *Asahel Huntington*, Esqrs., for the Plaintiff.
Leverett Saltonstall and *George Wheatland*, Esqrs., for the Defendants.

accompanied by the certificate of a physician; that she was a very material witness, and that it would be necessary for the defendant's counsel to be present when the deposition was taken, and would occupy a whole day; that if it should appear, by a certificate that she was too sick to attend at the present term, it would be a sufficient ground for a continuance to another term. The court, however, was inclined to think that the deposition ought to be taken, and appointed Mr. Williams, of Salem, to take it.

Mr. Huntington, for the Plaintiff, then opened the case, by reading the writ, consisting of two counts, reciting at length the alleged libellous publications, accompanied by the usual inuendoes, and charges of malice, wickedness and falsehood.

The defendants pleaded the general issue, as to the malice, and filed seven pleas in justification, alleging in technical form, that the statements declared on as libellous, were true, and adding two other matters, not alluded to in the publications—to wit, that said Pike compelled the said Sarah B. Jay to eat *assafoetida* and her own *excrement*, and that therefore he ought not maintain his action against the defendants.

"You see, gentlemen of the jury," said Mr. Huntington, "from hearing the writ read, and the pleas filed in answer, and also by your knowledge of the character of both parties in this suit, that this is a case of no usual importance. The libels contain charges of a most aggravated character, and deeply implicating the conduct, reputation and standing of the plaintiff; and the defendants allege in their pleadings that these charges are true. If the charges are not true, then do they constitute one of the most atrocious libels ever published; if true, then ought the plaintiff to be excluded from the society of men. The libel, or libels, are in every variety of words, and you will perceive that the pleas contain other matters not in the libel.

The plaintiff is a farmer's son—a native of the County of Essex, of hitherto unblemished character—a teacher of youth for upwards of twenty years; and a husband and the father of a large and interesting family. Although he brings the action, it is himself that is on trial—he is now to be tried for his life—for every thing dear and valuable in life. For this reason, we shall feel it to be our duty and our privilege, in answer to these infamous and false charges, which we regard with abhorrence, to put in his general good character, because he owes it to himself, to his family, and to the trustees of the respectable institution over which he is appointed. We shall call in gentlemen from different parts of the county, who have known him twenty or thirty years, to prove that he is a most moral, honest, and just man, and that he has hitherto conducted so as to be much re-

spected, and to be altogether above suspicion." Mr. Huntington recapitulated the charges contained in the first communication, and continued.—"The matter would never have reached this tribunal, gentlemen, if the defendants like just and honorable men, who entertained a proper regard for character, had paused, or published the certificate without any unfair comments. I have remarked, gentlemen, that when this murderous libel was published, the plaintiff was a preceptor of the Topsfield Academy—it was a dagger to himself, to his wife, and to his children. The article was read far and wide—he was in danger of being overwhelmed at once with the universal indignation of the public—he was struggling for life; and to keep his head up it became absolutely necessary to do something immediately. He could not wait the tardy operation of the law, and he procured an investigation of the subject on the spot, and if the defendants had simply published the reply by the gentlemen of Topsfield, that Mr. and Mrs. Pike were not blameable the matter would have rested there. We should not have commenced this prosecution, if they had published the reply unaccompanied by false and malignant comments—disingenuous and unfair.

In these comments, reiterating and enlarging the original charge, aggravating it—dipping his pen in gall in every line, the defendant publishes a libel in every particular worse than the original one. There is malice to be seen in every line. It is manifest that Mr. Greene meant to destroy Mr. Pike. In the most artful and ingenious manner, he makes Messrs. Cleaveland and Co., as he slightly calls them, say that the freezing of the child's feet was a necessary consequence of her own neglect. In this way, he gives a perfectly unfair answer, and takes back nothing; but he goes on and argues the matter in a most jesuitical manner, and concludes by saying that the certificate does not relieve Mr. Pike from the imputations resting on him.

With regard to the Indian meal, said Mr. Huntington, I know not whether Mr. Pike be a Grahamite or not—he looks like a good liver himself, gentlemen as you may see; but whether he be a Grahamite or Anti-Grahamite, the man who could keep a child on Indian meal and water five months, and be guilty of the other acts charged upon Mr. Pike, must be a brute and a beast; and if the defendants come within a thousand miles of proving the truth of them, I shall feel it my duty, as a public officer,* to present him to the Grand Jury, friend as he is of mine, and has been, for the last twenty years.

*Mr. Huntington is the Commonwealth's Attorney, for the District, in which Essex County is included.

Mr. Huntington, after commenting upon "the injury necessarily done to the plaintiff, by the defendants in their respectable journal, by circulating the libel throughout the country, stated the facts which he would be able to prove in refutation of the charges brought against the plaintiff in the Post. He would show, he said, that while Mr. Pike kept a private school in Boston, the mother of the child, representing herself to be a very poor woman, very earnestly entreated Mrs. Pike to take the child—that her husband, a Mr. Howard, was hostile to the child, and that her living at home created great disharmony in the family,—that the child was fully as much to blame as Mr. Howard, in their domestic dissensions; that she was guilty of falsehood and obstinacy. In this way, Mrs. Howard worked on Mrs. Pike's feelings, and proposed to have the child bound to her. Mr. Pike and his eldest daughter was very much opposed to taking the child to Topsfield, but Mrs. Pike, being interested for her on account of her mother, prevailed on Mr. Pike to take her.

After she went to Topsfield, symptoms of scrofulous humours manifested themselves on the child's person, in consequence of which salts were administered to her, and afterwards she was furnished with gruel, and this (said Mr. Huntington) is what is meant by the Indian meal and water, they talk about. In February, Sarah, the child, became unclean in her personal habits, in a most extraordinary degree, and it became necessary to make up a straw bed for her, but she was so well supplied with bed clothing, that if Mr. Pike had been charged with having attempted to smother her, the charge would have come much nearer the truth, than that which has been preferred against him; and so far from having an insufficient supply, she had seven thicknesses of covering. The child, however, continued in its offensive habits, and to such an extent, that Mrs. Pike was made sick by her conduct, and told her husband that she could not live in the house with her any longer. She was then put into the alms-house, because Mr. Pike did not know that Mrs. Howard was in a situation to receive her; for Mrs. Pike remembered her mother's declaration, that her children had cried themselves to sleep for want of bread, and she knew that Mrs. Howard expected to be confined. He expected to show also, that notice was sent to Mrs. Howard when her child was put into the alms-house; he would also show, that Sarah had been afflicted with chilblains for several years; that the morning she left Boston, her father bought her a box of ointment for her feet, which were then sore with chilblains; that at Topsfield she had a sufficient supply of clothing, and wore India rubbers on account of her sore feet, and that when Mr. and Mrs. Pike went to the alms-house with her, she was comfortably clad, and was sent home to Bos-

ton in the same clothes; and so far from eating nothing but Indian meal, that she ate more animal food than any other member of Mr. Pike's family. Mr. Huntington closed his opening statement by some remarks upon the responsibility incurred by the conductors of the public press in proceeding to redress real or imaginary private wrongs, without due deliberation and careful investigation, and compared their mode of operation, in thus putting a party on trial, without affording him an opportunity of defending himself, to the summary proceedings of Judge Lynch. A man, denounced by the press was in fact tried and executed, before he could possibly obtain a hearing—a species of Lynchism, he was sure, that was not yet very popular in this ancient Commonwealth of Laws.

The Court adjourned at half past past four, in order to afford the counsel on each side to proceed to Topsfield and take Mrs. Pike's Deposition, but when they arrived there they found her quite well, and able to come to Court, and testify regularly, and therefore her deposition was not taken.

Tuesday, Nov. 25.

Mr. Huntington proposed to introduce witnesses to prove Mr. Pike's general good character.

Mr. Saltonstall objected, because the defendants did not propose to put Mr. Pike's general character in issue, and cited the opinion of Lord Abbott, that in a case of libel, it was not in the power of the plaintiff to go into general character, unless his general character was impeached by the defendants.

The Court inclined to the ground assumed by the defendants, and deemed such proof unnecessary, as the jury, by presumption of law must take the plaintiff's general character to be good, until it was impeached by the defendants.

After a short consultation, the Counsel for the Plaintiff waived the point, and proceeded to call witnesses, as to Mr. Pike's profession, and standing as necessary in order to enable the jury to estimate the damages he must in all probability sustain, if the facts contained in the libel were believed to be true.

Twelve witnesses were accordingly examined and cross-examined on this point, and it appeared from their testimony, that from the year 1815, up to the present time, Mr. Pike has kept classical schools, and fitted young men for college, in Newburyport, Framingham, Woburn, Rowley, Boston, and Topsfield. Three stated that difficulties existed at Framingham, Newburyport, and Woburn, and that the numbers of students fell off, prior to his leaving those places. The nature of the difficulties referred to did not appear, and the jury

were cautioned by the court not to draw any inference from that fact unfavorable to the plaintiff. Dr. Noyes, of Boston, attributed a falling off of the numbers, at Mr. Pike's private school, in Boston, "to the *pressure*,"—i. e. the removal of the deposits. He said the effects of the pressure were also felt in the other private schools in the city.

[In connection with this point, but on a subsequent day, the defendants introduced witnesses, who testified that complaints existed about Mr. Pike's mode of discipline; they testified decisively, that "there was no diminution of the public confidence in Mr. Pike as an able and accomplished instructor; but there was a diminution of confidence in his mode of discipline." Mr. Marston, of Newburyport, after some consideration, said he believed, that the dissatisfaction at Newburyport related to his mode of treatment of his female scholars; but he never heard anything against his *humanity*.]

At this stage of the trial, it not being necessary for the plaintiff to prove the falsehood of the libel, until the defendants had introduced testimony to substantiate its truth—

Mr. Wheatland opened for the defence, by remarking that the case was of vast importance to the defendants, on account of the great sum claimed for damages. After premising that most men had a good general character, and also something unfavorable in their particular character, *Mr. Wheatland* observed that this was the case with Mr. Pike—his general character was good, but he had a bad particular character, as the facts in the present case would prove. *Mr. W.* then went into a general statement of the facts which the dependants expected to prove in justification of the publications declared on. He said they would be able to show, that neither *Mr. Beals* nor *Greene* wrote the article, and that it was published for the most humane of purposes; that *Sarah B. Jay*, only eight years old last January, has no father; that her mother proposed to *Mrs. Colby* to put her into an asylum; that *Mrs. Colby* took the child into her own family; that while with her, the child was in good health and condition, and neat, tidy and clean; that *Mrs. Pike* applied to *Mrs. Colby* for a young girl, and that *Mrs. Colby* referred her to *Mrs. Howard*, *Sarah's* mother; that the first application was made by *Mrs. Pike* and not by *Mrs. Howard*; that *Mrs. Howard* refused to have *Sarah* bound to *Mr. Pike*; and that she was delivered to *Mr. Pike* in a good condition in every respect, and lived with *Mr. Pike* three or four weeks before they went to *Topsfield*, without any change in her habits. At *Topsfield*, and while at *Mr. Pike's*, she became haggard, pale and sick, lost her little toe, and had her feet split open, as he would show, by cold. In this state she was turned into the poor house, because *Mr. Pike*, as he himself said, was afraid she would die on his hands.

When she was put into the Alms-house at Topsfield, which was filled with vermin, she was clad sparsely—with a pair of boy's shoes down at the heel, a thin calico gown, with short sleeves, a woollen garment so ragged and filthy as not to be fit for hogs to toss about in a sty; and when the overseers inquired of Mr. Pike concerning her clothes, he told them there were none for her. In this state the girl was sent home to her mother, and the physicians, upon examining her, were of opinion that she could hardly be expected to live. Among other neighbors, Mr. Sweeney saw the child at her mother's, and hearing the facts, embodied them into an article, and sent it to the office of the Morning Post, and Mr. Greene, upon going and making inquiries himself, which satisfied him that there was a good foundation for the article, published it. Shortly after the appearance of this Communication in the Post, which came to the knowledge of the people in Topsfield, the Trustees of the Topsfield Academy, to contradict it, held a meeting in the Academy, and brought before them a domestic in Mr. Pike's family, of 14 years of age, and took her deposition, contrary to the late statute against extra-judicial oaths, and upon the strength of this deposition, so unlawfully taken, and without the presence of a single friend to the little girl, the trustees issued the remarkable certificate, which drew forth the second article in the Post, which has been paraded before you gentlemen of the jury, as a more infamous libel than the first one.

In addition to what has been stated, we shall be able to show, said Mr. Wheatland, that the little girl was never permitted to go to school, to church, or even to a Sabbath school, and perhaps Mr. Pike had good reason for not sending her to church, for he might well fear that she might hear there, "that he who oppresseth the poor, is a reproach to his Maker." But this is not all, gentlemen; there are still one or two things which I feel it to be my duty to allude to, however repulsive it may be to you as well as myself. You have heard it read in the pleas that Mr. Pike compelled the child to eat *assa-foetida* and even her own *excrement*. Gentlemen, this is literally true, and we shall prove it to you beyond the hope or suspicion of a doubt.

Gentlemen, my brother Huntington, in his opening, told us, that if we came within a thousand miles of proving the truth of the facts alleged, he would hold himself bound to call his client to an account before the Grand Jury. We accept the challenge; for we shall come a little nearer—aye, a great deal nearer than a thousand miles to the facts charged—and I do now, and shall, hold him to his promise—to the strict redeeming of his pledge to the letter; but if we come only within *ten thousand miles*, gentlemen, we shall expect your verdict; and if we make out our case, against Mr. Pike, the indignation of men

must follow him here, and the wrath of God, if he be just and true, will follow him hereafter.

Testimony of the Witnesses called by the Defendants to prove the truth of the charges contained in the Publications, alleged to be libellous.

MRS. SARAH COLBY, [of Boston, and one of the managers of the "Childrens' Friends Society," who have an asylum in Green Street.] In 1834, in the fall, Mrs. Howard came to me to see if I could get her child into an asylum, and said that she was not able to take care of her; that her age was eight years, and had no father, &c.—After hearing her story, I told her I would confer with another lady who was associated with me, and let her know if we could. A short time after Mrs. Howard applied to me, a young lady called upon me to know if a child could be obtained from an institution which I was connected with, to live with her mother, whom she stated to be a MRS. PIKE—I told her we had none then. It did not then occur to me, that Mrs. Howard's child would answer—I never thought of her in connection with Mrs. Pike's application at that time—the reason Mrs. Howard called on me, I suppose was, because I was visiting manager of the Institution for that month—there being twelve managers. On Saturday afternoon, I called at Mrs. Howard's residence, and informed her that the managers had concluded it would not be expedient to take her child into the institution at that time; but I told Mrs. Howard to prepare Sarah for the Institution against the time when we should be able to take her. On Monday, I think, it was of the next week, Mrs Howard came to me with Sarah, and having in her arms another child—she appeared much distressed, and said she did not know what to do with her, as her husband objected to support Sarah. I told her again we could not take the little girl into the institution. She then asked me to take her myself,—I told her I could not take upon me such a responsibility. The mother's situation, however, interested me so much, that I concluded on the whole, that I would take the child, and do what I could to provide her a place. The mother told me frankly at the outset, that she would not deceive me about the child, and that she had been very much exposed to vicious habits—this was before I concluded to take her—she said, she thought she would require watching—I did so, and kept her chiefly in my own room, under my eye—I found her very handy at the needle, and she did little jobs about the house with remarkable facility and neatness—being careful, after being cautioned not to soil her clothes with her work, and would come up to me cheerfully and show me that she had kept them clean. She was a clean child, and her mother had made her as clean and neat as her circumstances admitted of. Mrs.

Pike's daughter called again to inquire if I had found a girl. I thought it a good opening for Sarah, and referred the girl to Mrs. Howard. I felt confidence in Mrs. Pike, on account of the person who had referred her to me. I had an interview with Mrs. Howard, about giving the child to Mrs. Pike—I told her how much I had become interested in Sarah, and that I should always feel an interest for the child. While I was conversing with her, Mrs. Pike came in, and the child was given up to her. Mrs. Pike promised to clothe her well and comfortably. I did the chief part of the talking, and don't remember exactly what Mrs. Howard said to Mrs. Pike about Sarah.

Cross Examined—Mrs. Howard told me that Sarah had been exposed to see vicious people, or children, in some neighborhood, where she had been living—and said she was a very bad child—I felt much struck by such a remark from her mother, and I asked her what she meant—she then gave me to understand that her word was not to be relied on. In consequence of what her mother had said about her, I watched her narrowly—I left little articles about, and money, in places where she would be likely to see it, but always found everything in its place—her propensity to talk was rather greater than common. To Mrs. Pike I stated all these facts in the same manner I have now stated them. I told her the child needed gentle, but firm treatment—that her feelings were such as to require gentle treatment—her personal habits were clean. The child appeared to be of an amiable disposition, and my feelings had become quite enlisted for her. I recollect expressing to Mrs. Pike a great deal of interest for the child—I recollect saying to her, that I should be glad to hear how she got along. I don't know that I asked Mrs. Pike to WRITE to me, but I felt the yearnings of a mother for the child, and expressed my desire to learn how she got on several times—over and over again. I believe I can with perfect safety say, that I never saw anything vicious in her.

Direct examination resumed.—Last spring I was called upon to go and see the child, which I was informed had been brought home to her mother—she was very much altered—very much emaciated, and pale—there was much excitement prevalent about her—I recalled in the evening with Dr. Flint. Her feet were very sore;—one of her toes—the small one—was nearly off;—there were two very bad places under one heel, like deep gashes spread open—around her ankles there were black and blue spots—she looked like a sick child. As I sat and rocked her in my arms, and looked upon her, it did not seem as if she could live. Her mother did not say much, though she appeared to feel much, and seemed much excited. Her mother appeared

to be an amiable, gentle, and kind woman—a woman who had suffered much affliction—of an uncomplaining disposition, not disposed to overstate facts—I was much struck with her equanimity, while others were so much excited—the excitement that existed was not boisterous, but partook of a solemn character. While I was there, there was generally a coming and going of persons. When Mrs. Pike took her, she had no sores on her feet. She continues feeble, but having weak eyes, which are bandaged, she does not look so much like a well child, as she might, if her eyes were not sore. I called once at her grandmother's to see her.

Cross examination resumed.—We did not think it expedient to admit her into our institution in the first place, because our funds were small, and we thought she was old enough to do something for herself; and second, that as she had been exposed to vice—to see vicious children, and be among them—I thought it improper to have her introduced among younger children, as she might exert a bad influence; but if she had been younger, notwithstanding her supposed habits, I think we should have taken her. I understood from her mother, that Mr. Howard thought it was too great a burden to maintain her. Mrs. Howard has had three husbands, and Sarah was the child of her first husband, and she had another by the intermediate husband, and expected to be confined again. Mr. Howard's unwillingness to maintain Sarah, gave her mother extra anxiety—she said she was much pressed down, and found it hard to get along. I kept Sarah in my chamber so as to be able to see what her character and disposition was—I found her quite intelligent, for a child of her age, and class.

She sang a good deal. As near as I can recollect, I told Mrs. Pike what I have now stated. Her mother told me I think, that she had been living at three places. Her mother said, "I will not deceive you about the child," at the very time she applied.

MARY F. HOWARD—I am the mother of *Sarah B. Jay*.—She was eight years of age last February—Mr. and Mrs. Pike called on me one evening, a little after candle light, and said they understood at Mrs. Colby's about my having a child, that I wanted a place for—we talked some time, and it was agreed that we should meet at Mrs. Colby's. I went to Mrs. Colby's, and stopped some time before Mrs. and Mr. Pike came—I can't recollect all that was said—only I spoke of the motherly kindness that the child ought to have to make her a good girl, and an amiable woman. Mrs. Pike took the child, and told Mrs. Colby she would send to her and let her know how the child got along. It was in September. After Mrs. Pike took her, I visited

her off and on—near the last of their being in Boston, I called and observed that the child had creatures in her head, and I spoke to Mrs. Pike's girl about it, and said it was something strange—that she was not in the habit of having them, and wished her to look after it—Mrs. Pike said she calculated to bring her up the same as her own children—and to give her an education sufficient to enable her to keep a common school—or to put her to learn a trade, as soon as she was old enough to choose one, if she preferred a trade to keeping a school. The child was in good health, and had been for three years before—she was clean—I was always particular about keeping my children clean. I heard nothing directly from my child after she went to Topsfield, till one day two gentlemen called on me, who said they were overseers of the Topsfield alms-house, and told me my child was in the alms-house, and had been there a week—one brought me a letter from Mr. Pike, he said—I was so agitated that I could not read the letter, and carried it to Mrs. Sweeney to read it for me. The gentlemen asked me what they should do with the child—I told them I wished to have her brought immediately home—this was on a Wednesday, and she come the next Monday, which was the 27th of April.

The child was very weak, very feeble, and very cold—she could not raise herself up strait, as she was in the habit of standing—she was so poor, that her bones showed through—her hip bone cut through the skin so as to make a sore of the size of a fourpence. On her little toe there was a small dead lump like dough, which came off after a few days, and left nothing like a toe—there were bruises on her body and like the blows from a stick. I poulticed her feet. She was so sick that I had to lift her out and into bed like an infant.—The next day Doctor Flint came, and gave me some ointment for the sores on the child's feet and hands—Dr. Jackson and Dr. Strong also came—Dr. Shattuck prescribed for her—I did not send for either of those gentlemen—I sent for a physician, but he did not come—I don't recollect his name—For a fortnight after she returned, I had to take her out and in bed, like an infant.—The house was constantly filled with people coming to see the child. Her stomach was very weak, and she threw up everything she ate at first—but had a great appetite.

[Mrs. Howard here exhibited the articles worn home by Sarah, viz.: a blue check gown, short sleeves, green shawl, loose network, that peas might be shot through; shoes long enough for a woman, and down at the heel. She wore home the same bonnet and petticoat she wore away.] Testimony continued—The weather was clear and pleasant, but very cold, for the season. She had a change

of linen when she went away—two old calico gowns—one apron—one tye—new pair of leather shoes, but I don't recollect about her stockings. I offered her a cloak, but Mrs. Pike thought I had better keep it for my other children, and said she would provide her with one. She had no change of clothing when she returned—no bundle—nothing at all. Mrs. Pike spoke to me about binding the child, but I objected. Mrs. Pike said, if the child was bound to her, she should be obliged to take care of her in health and sickness. I said if she was sick I should choose to take care of her myself; and if Mrs. Pike should become dissatisfied with her, she would not be able to take care of her as well as she did her own, because it would not be natural. Afterwards I made inquiries about the nature of binding, and when she spoke of it again, I said the child might be bound.—When she came home, her head was filled with small lice—her hair was knitted, and in some places worn off, and cut off short.—There were bald places on her head—I didn't think she would live a week, and that was the opinion of a number of others. Previous to going to Mrs. Pike's, she was at Mrs. Colby's, waiting till an opening was found in the institution.

She limped a few days before she went to Topsfield—I asked the oldest girl if Sarah's feet were sore, and she said they were with chilblains. Two seasons before, while she was living with Mrs. Roff, she was troubled with chilblains, and I told her to put some cold cream on them, and I never heard of any trouble afterwards. Her feet were perfectly well when she went to Mrs. Colby's. She also lived with Mrs. Shepard, at Charlestown. All classes called to see my child—some of the most respectable ladies in Boston. I don't recollect how long she was with Mrs. Pike before they went to Topsfield. She went to Mr. Pike's on the 24th of September.

She told me that her feet become sore by cold.

[Mr. Choate objects to the admission of the child's declarations, as evidence. Mr. Saltonstall contends for them, on the ground, that they would go to show, that Mr. Greene had not acted maliciously, in publishing the libellous article, and quoted a passage from one of the pleas, in which it is alleged, "that her feet were frozen, *as she says*, for want of bed cloths," and therefore the defendants had a right to prove what she said. The court thought the defendants might put in her declarations, to rebut the idea of malice, and as part of the *res gesta*, but would reserve the point for further consideration.]

Mrs. Howard resumes—"The child said she had not had sufficient food—that they gave her cold Indian meal and water, and sometimes potato skins, and mouldy mince-meat. She said she slept on a straw bed on the floor, in an upper room with Sarah, the other girl [Sarah

Knowlton.] Mr. Greene called to see the child in the course of the first fortnight.

Mr. Saltonstall—Mrs. Howard, do you know who wrote the article which appeared in the Post respecting your child?

Choate—Stop Mrs. Howard—we object to that question as immaterial; for it is no justification to the defendants that another person wrote the article.

Court—The defendants are responsible, and the question is therefore immaterial.

Saltonstall—We contend that under the Statute of Justification, the fact would go to show that the defendant had no malice—we wish to show that another person wrote the article at the request of the mother, and thus will go to rebut malice.

Court—I think it may be admitted for that purpose.

Choate—This in our view would be on overruling the whole series of decisions, together with Alderman vs. French in which it was expressly decided, that nothing but truth is a defence; that the defendant was mistaken will not even mitigate under the general issue.

Saltonstall—I understand that under the statute of 1826, we have the full advantage of both pleas—the general issue and justification. The case of Alderman vs. French upset the whole series of cases before made, and it was on account of that very decision, that the statute was made. In the case in 5th Pick. it was held, that no general issue having been pleaded, the defendant could not avail himself of mitigating circumstances, and it therefore implied, that if he had pleaded the general issue, that the evidence might have been received.

Choate—It has always been held that under the general issue the truth cannot be given in evidence to rebut malice—the Statute in this respect has not altered the Common Law.

Saltonstall—The present is like any other action of tort. The defendants may show any thing, under the general issue, as part of the *res gesta*, which goes to show how much damages ought to be recovered, precisely as if no plea in justification had been made. We do not propose to show who the author is as proof of the truth of the article, but that the defendants did not publish it maliciously, and that they did it under such and such circumstances; and that though the defendants failed to prove its truth, they might still show in what manner the publication happened.

The *Court* proposed to take the papers and books containing the authorities referred to, for the purpose of examining this question, and the other respecting the girl's declarations, and announcing its opinion in the ensuing morning.]

Cross examination of Mrs. Howard.—I have a record of the child's age in my Bible—she was eight last February—I never said she was nine, or that I did not know how old she was. The day she started for Topsfield, I went into Mrs. William's chamber, and had a conversation with Mrs. Pike. She first proposed to have the child bound, and set several times to have the indentures ready—I never heard that there was any objections on the part of any member of Mr. Pike's family to taking Sarah—I told Mrs. Pike that the child had a weakness in her infancy, and that if she ever exhibited any effects of it, to attend to it and she said she would—and I mentioned to her about the chilblains.

I represented to Mrs. Colby, that the child was not with me, when I married my present husband, and he never expected to have to maintain her; I said my husband was quick and would sometimes throw out remarks which were very disagreeable. He was very partial to another child of mine, more so I think than to his own. Mr. Howard is my third husband—Sarah's father went away insane, and never came back—I do not know that he is dead, only from what I read in a paper. It is true, that I told Mrs. Colby, that my children had cried themselves to sleep for want of bread. The Overseer brought a letter from Mrs. Pike, but I burnt it immediately as soon as it was read to me. I spoke to Martha Pike and Mrs. Pike about the creatures in Sarah's head, and said it was unusual. Sarah was 4 years old when she went to Mrs. Shepherd's. Mrs. Shepherd's husband died, and being left a widow, she could not maintain her any longer.

I told Mrs. Pike that very frequently Sarah would commit little faults, and tell wrong stories about them—I said she was hard to govern, and had a bad temper, providing she had more than one master—I said she needed a steady hand, and wished Mrs. Pike to see to her herself. I was not particularly anxious to have her go to Topsfield—After she had gone, I regretted very much that I allowed her to go so far from me. I told Mrs. Pike I expected to be confined. Sarah came home about 12—she was alone—it was a very cold day, and I kept a fire all day. The first words she said were—"M'a don't beat me—and don't let father beat me." I sent for a Physician, but he did not come—I can't think of his name now. Her entire feet were running sores—that is, the lower parts of both sides—the upper part of the toes of one foot was sore. I did not represent to any one, that all her toes were like her little toe—I said a good many of her toes had similar sores. The child often had a quarter of a dollar or a nine-pence given her. She was not able to go out for six weeks or more. Dr. Strong was her first Physician—he saw her three or

four times—Dr. Jackson came after Dr. Strong—I did not send for either—I did not represent about the child so fully to Mrs. Pike as I did to Mrs. Colby—I told Mrs. Colby many things that I had heard from hearsay—that she had played with some children in the yard at indecent plays, while I was sick—I was sick a fortnight. I told Mrs. Colby that Sarah was a bad child, but I did not mean anything great. I only meant that she required watching. I lived in that yard three or four months—Dr. Flint came the second night after she arrived, and gave some ointment for her feet—Dr. Strong came next—Dr. Strong came on a Monday, and I believe Dr. Shattuck the Sunday after. Mr. Greene came before Dr. Shattuck. I knew from Mr. Howard and the child, that he furnished her with ointment for her feet before she went to Topsfield—she limped considerably with one foot. Before Dr. Strong came, I thought the child could not live a week. The second day people came in to see her—and talked in the room in her presence, and some gave money to her—I received small presents for my children. She had a very craving appetite, but I did not gratify it. Mrs. Sweeney saw the letter before it was burnt—no one advised me to burn it.

Mrs. Colby re-called—the first time I called I did not see the child's feet—in the evening I called with Dr. Flint—he uncovered the foot—I thought at first, when I looked at it, that half of the foot was off. By "firm treatment," when I spoke to Mrs. Pike, I alluded to the talkative, lively disposition of the child—I listened to but little that she used to say, and of course did not charge my mind with what she did say. When I first saw Mrs. Howard, it was in a respectable looking place and so were all its appurtenances, but being in the third story was uncomfortable.

[Here the child was called to exhibit its foot, &c. to the jury, and the scars on her neck and shoulders. One joint entirely gone from the little toe of the left foot.]

Dr. Joshua B. Flint—I went at the solicitation of my friend Mrs. Colby, to see the child—I found her feet affected with ulcers in several places—the principal one was on the outer edge of the left foot—I recommended ointment to be applied till the physician sent for came. The little toe was implicated in the ulcer—about half of the toe—it might have been from chilblains, or from being frozen—I have no means of determining—such cases have been from neglected chilblains. The ulcer had the appearance of not being recent, but of long standing. She was very much emaciated, and of a sickly appearance in every point of view. I should have thought from her appearance, that she was suffering from chronic disease, or from

hardship. Chilblains are produced by alternations of cold and heat—generally they are not attended with a rupture of the skin—freezing is. [Dr. Flint examined the child's foot before the jury, and resumes]—one joint is gone from the toe—I never saw such a case from chilblains—have read of their becoming so from irritating influences.

Cross Examined.—There is only one thing that leads me to the conclusion, that she was neglected—there were black marks around her ankles, which led me to ask her if she had not been tied by the legs, and she answered that they—[Dr. F. was not permitted to state what she said.] I should have thought her ankles had been tied, if she had not told me something which led me to think it was not so. Stockings continually wet with urine would be an irritating influence—next to pressure, in effect. Vicissitudes of heat and cold are the general producing cause of chilblains, and this is the reason why the children of the poor are more subject to them—and any exposure to snow water would aggravate them—also walking on them. I did not consider the ulcers scrofulous. Should think India rubbers good for them, if not too tight; if they fitted snug they would not be good—for common chilblains, stimulant applications are good.

Dr. Jackson.—Dr. Strong called on me to accompany him to see the child, with reference to inquiring if she was in consumption—I found her emaciated and fretful—with the appearance of having a chronic, organic disease. The conclusion to which we came was, that there was no evidence of any settled organic disease. The great local disease was in her shoulder, and foot—I cannot say positively that I examined the feet. She complained when any joint was handled—and exhibited considerable irritation both mental and physical.

Cross Examined.—Did not use the stethoscope to ascertain the state of her lungs—did not discern any disease in the shoulder, she exhibited nearly or quite as much irritability when her other joints were examined—she manifested uneasiness at being moved—our examination lasted about twenty minutes—I never read of a joint being lost by chilblains—I know of no reason, why an ulcerated chilblain located on the toe should not remove the joint.

Mr. Choate.—You speak, Doctor, of her complaining as much when one joint was handled as another—did it occur to you, was it your impression, from any thing you saw in her or about the house, that she was making all these appearances of great bodily pain?

Mr. Saltonstall objected to the question entirely—it was asking the Doctor to express his opinion upon a subject that was not medical, and upon a point that had never been suggested before.

Choate.—We contend that a physician is a competent witness to answer the question—I mean to argue to the jury, that this case is one of imposition from the beginning to the end to create an excitement, awaken sympathy and extort money from the number who visited her at her mother's. [See the testimony of Miss French, Dr. Strong, Mr. Saltonstall's argument, and Judge Putnam's Charge.]

Dr. Jackson answers.—My opinion was, that the child was too sick to play a part.—It is not very rare for children of her age to be unable to retain their urine—paralytic affection may produce inability to retain the denser matter contained in the bowels—saw no appearance of paralytic affection—voiding of urine would increase the irritation of chilblains.

Wednesday, Nov. 25.

His Honor *Judge Putnam*, upon taking the Bench, this morning, observed, that since the adjournment last evening, he had had under consideration, and had examined the authorities, upon the question of the admissibility of Sarah's declarations, and had come to the conclusion, though the plea alleges that she said so and so, to exclude them; his Honor had also come, to the determination to exclude the evidence to show that Mr. Sweeney was the author of the communication, at the request of the mother. He was decidedly of opinion, that such evidence was inadmissible under either plea—the general issue, or justification.

Rev. Thomas Whittemore.—I have seen Sarah B. Jay,—saw her about three weeks after she was brought home, at her mother's house—went at the repeated solicitation of several gentlemen—the mother showed me the child's head, and asked me if I wished to see her feet—I said if it was not improper, I should—when she proceeded to remove the stockings and bandages, the child supplicated her not to—but the mother persisted, and I perceived the feet to be diseased up as high as the ankle—she seemed sickly and emaciated—her hair shaven off closely, as if from some application—generally quite close, but unevenly. The mother seemed an exceedingly tender mother, and appeared to be a neat woman.

Rev. Thomas Norris.—Sometime in April last, saw the child—she appeared to be in spasms—she looked out two or three times, and begged that I would not give her up to her master—her hair bald, and some places shaven close—the child was laboring under nervous excitement—her appearance was deathly—her bones and sinews seemed as if they would come through—the bones of her arms and ankles stood out in view. Feet all over in a state of inflammation—

one foot much worse than the other—the little toe dead—there were several other people there—I called several days successively—her mother took good care of her.

John D. Sweeney [author of the communication]—I knew Sarah B. Jay—her mother hired a room of me in Myrtle Street—I came home one dinner time and found my wife crying—

Mr. Choate.—You need not tell us about your wife's crying—What did you see?

Sweeney.—The child was emaciated, and sick—and much debilitated generally—her hair shaven off close—continued emaciated for some weeks—she had the appearance of having suffered considerable hardship.

Cross Examined.—I warned them out, and I warned all my tenants out, because I wanted the room—they did not pay all the rent—the rent was seven shillings a week—I can't tell how much of the rent was not paid—I never sued for it. Mr. Howard is a revolutionary pensioner, or a pensioner of the last war—he sticks up bills—they have three children—one a small one in the arms—I never knew Mr. Howard to be intemperate—I'm an Irishman—a coppersmith.

Mrs. Sweeney.—I saw the child when she first arrived, on the 27th of April—I was the first person that saw her in the Stage alone—she was very feeble—I had to support her, to keep her from falling in the entry—there were marks on her legs—the flesh was swollen over her garters, so that they were dented into her legs, and left a very deep mark when they were uncovered—had on a short sleeve frock, pink silk bonnet, shawl, and boy's slippers—She was entirely destitute of flesh—one spot on the hip where the bone was through—her arms were but little bigger than my thumb—on her feet three large sores—on one heel, one on a big toe, and a little toe one continued ulcer—I think it was on Election day, that she went to her Grandmother's—she had been in my room once before she went to her Grandmother's—her mother took as much care of her as any one could take of a child. People called from morning till night for a fortnight—I saw no sham—I don't think she could have counterfeited—her spirits would sometimes come up a little, but they would soon go off and she would lay her head down.

Cross Examined.—She did not play in the street, before she went to her Grandmother's—she might have crossed over—Mr. Howard and his family were quiet people,—never knew of any improper conduct.

Charles G. Singleton—On the second day saw the child at request of my wife—she was much emaciated—her appearance was frightful—her hair all stood erect.

Mrs. Sarah Davis—Sarah is my Grand-child—her father has never been heard from since she was a fortnight old. Before she went to Topsfield, I went with her mother to Mrs. Pike's—I heard a conversation between Mrs. Howard and Mrs. Pike relative to bringing up the child—Mrs. Pike offered to educate her so that she might be able to get her own living in the way best suited to her constitution and convenience when she came of age—she said she wished to have her kept comfortable, and would endeavor to keep her so—would do as well by her, as she would wish any body to do by one of her own children, if they took one of her own children to bring up. If Sarah was sick, or any dissatisfaction on either side, she was to be sent home to her mother—Mrs. Pike said so. Sarah's health was good—her habits were the same as other children of the same age. I saw her the next day after her return to Boston—the flesh was bare on the hips—she came to my house on Election day—her father-in-law had to lead her—she laid on the sofa all day—she staid a fortnight at my house—the day after she returned to Boston, she had lice and nits in her head—I did not think she would live a week when I saw her first—Mrs. Howard's first husband went away in a state of insanity.

Nathaniel Perley—saw Sarah B. Jay in Topsfield, in October or November—her appearance was like that of any other girl—I was one of the Overseers of the Poor—in April Mr. Pike came to me, and said he had a girl living with him, and did not know but what he should have to send her to the Alms-house—he said she behaved so bad, he did not know what to do with her. He came again and said we must take her—said his wife could not stay in the house with her another night—said he had been trying several weeks to get her clean and neat to send her to Boston—I gave consent to have her carried over to the Alms-house, and gave notice to the other Overseers—they went to see Mr. Pike about the child, and were opposed to keeping her—Mr. Pike directed me where to find her mother—and gave me a letter from Mrs. Pike to her, and asked me to carry it—I went to Boston, on a Wednesday, and found her in Myrtle Street—I directed the superintendant to take the girl to Mr. Pike's on Monday, when she was sent to Boston in the stage.

Cross Examined—Mr. Pike said her habits were very bad—dirty—could not keep her clean—that she would foul her bed, the rooms, and his study—that when he asked her why she did so, she would

say because she was a bad girl—that Mrs. Pike had made herself sick in trying to take care of her. When I saw Mrs. Howard she said she was sorry Mrs. Pike could not manage the child—she said she was sorry she was obliged to take her home, but would rather have her home than in the Alms-house. Pike's own children used to come out with bare arms when the weather was pretty tough—I saw her start in the Stage inside—the night preceding it froze, but when the Stage came it had thawed.—She was in the Alms-house eight days, I think.

Zacheus Gould [one of the overseers of the poor]—I saw Sarah B. Jay at the alms-house on the 24th of April—she was very sickly and feeble—her feet were wrapped up—it seemed to hurt her to walk—I believe she was taken in on the 15th, and taken out on the 27th—don't know certain—I did not see her till the Tuesday after she came—On Wednesday we went to see Mr. Pike at the Academy—our impression was that we had nothing to do with her. We asked why he did not take her to Boston, where she belonged—he said she would be a State pauper there, and he had no right to take her there—he refused to take her out—said he could not be at any further trouble or expense about her—said again that he had no right to carry her to Boston to become a State Pauper, any more than in Topsfield—he said she had got herself reduced by her bad habits and will—he said he was really afraid she would die on his hands. Mr. Pike said she had no other clothing, but what she had on—and said he had taken her destitute and should return her so—that he would speak to Mrs. Pike, and if there were any articles belonging to the girl he would return them. There was considerable feeling among the townspeople about his turning her on to the town, to be allowed only 28 cents a week for keeping—for taking into consideration her alleged habits, it was worth ten times 28 cents. Mr. Pike thought it was none of the people's business to enquire about the alms-house, or who was in it—he did not see that they had any thing to do with it—the people in Boston did not concern themselves about such things. I told him that there was a difference between Boston and Topsfield, which being a small place, the expense were felt more.

At this time, Mr. Pike gave me a more particular account of the girls filthy habits—and said, that he told her if she kept leaving such nastiness about the house he did not know but that he would make her eat it. The very next day, he said he found some in his room, or study. He then told her to take a piece of the excrement and put it into her mouth—that she did so, and kept it in her mouth, and he didn't know but what she would have swallowed it, if he had told her to.—He said she seemed to be destitute of all taste or feel-

ing. That she put it into her mouth without reluctance. I think he said this was about a fortnight before she went to the Alms-House—Mr. Pike said he had a consultation with Dr. Cleaveland, to know what would break her of her bad habits, and they had come to the conclusion, that it might have a good effect to make her eat some *assafoetida*—that he had been given to a boy who was greatly given to lying—he said he gave her some pills of *assafoetida*—she took them into her mouth—he said he told her she must chew and swallow them, and that she did so as readily as if they were sugar plumbs. When he said he had been trying for four or five weeks to get her decent, I replied—that I did know why, if what he said was true, she was not as decent at one time as another.

Joseph Bachelder—one of the overseers—heard the same description of the child's habits—heard Mr. Pike say he threatened to make her eat her own excrement—said that afterwards he did tell her to put it into her mouth, and she did so, and held it there—I don't remember whether he said he told her to spit it out; [the same as to the *assafoetida*.] We tho't it rather a hardship to have to take care of such a girl. We told him, if he did not like the girl, he ought to carry her back. We thought he was telling us these things to make us take the child. He said Mrs. Pike was worn out, and that Mrs. Bradstreet, a tenant, complained.

Mrs. Bowditch—used to wash for Mrs. Pike in Hancock street—I heard Mrs. Howard say to Mrs. Pike, that she was to return the child if there was any dissatisfaction on either side—if either on 'em didn't like—that was the bargain. I saw the little girl about Mrs. Pike's—she used to scour knives, and wash potatoes, dishes, and her own clothes—I was told not to wash her clothes, nor the other girl's—she was very dirty—Albert Pike, the son, would box her ears, and the other girl's—they would cry—I told Martha Pike of it—but she would not believe me, and I said no more about it—Albert would sometimes take the cat and throw upon her, which I thought very wrong—she did every thing she was directed to—Martha Pike had the principal charge—the conversation between Mrs. Howard and Mrs. Pike, was about a week before going to Topsfield. Mrs. Howard did not seem to wish to have the child bound, till she ascertained how she was to be treated.

Cross Examined—Mrs. Howard said to me, that she thought it was a nice place—I did not say it wasn't—I believe she was there about binding the child once—Mrs. Pike was confined up stairs sick at the time of Albert's throwing the cat on to the little girl. If there was any disagreeing on any side, the child was to be sent home—Mrs. Pike said she should be sent home, if there was.

William E. Kimball—lives in Topsfield—had seen the child at Pike's.

Aaron Averill—saw her at Pike's door, one Monday evening in February—Mr. Legg was with me—she was very nasty and dirty indeed—she came to the door with a candle—Legg said she looked worse than any Southern slave—her face was very dirty.

William G. Legg—remembered the time Averill referred to—remembers saying she looked worse than any Southern slave—I should think the dress examined yesterday was the same that she had on, when I saw her.

Mr. Norris was recalled to explain an immaterial point respecting the letter received from Mrs. Pike.

Mrs. Howard re-called—I have never stated that Sarah come home without a skirt or stockings—Mrs. Colby gave her a gingham tyer, and a yellow shawl. When she went away she had a change of linen, but came back without.

Joseph Mead—[keeps West India Goods store in Myrtle street]—the child was the most miserable and emaciated object I ever saw—there was no flesh on its bones—running sores on its feet—and finger very sore—after a fortnight, she appeared to be better—saw her three or four times—her head looked as if it had been sore—the hair seemed to have been gouged out—little scabs on the head. Her mother took good care of her.

Cross-ex.—I do not recollect inviting a Miss French to call and see her. People would often come into my store, and ask me about the child, and I would say to them, that they had better go and see her themselves.

Humphrey G. Hubbard—lives in Topsfield—saw Sarah at the pump one of the coldest days last winter—she was at the pump five minutes or more—and had on a short sleeve gown, and head and arms bare—I thought it remarkable, to see so small a child out in that manner—she was trying to pump water; there was something the matter with the pump, and she could not bring the water.

Cross-examined—I should think it was in January, in the latter part, and about one of the coldest days—At that time I mentioned the circumstance to Mr. Perley—I was within a rod of her, but I don't recollect whether I looked over my right or left shoulder, at her.

Abraham Pierce—[the same as Hubbard, as to the pump, in coldest weather]—had a pair of old shoes on, not suitable—with holes in her

stockings, or else they were darned with white yarn—I did not perceive that she walked lame; once saw her going from the house to the back house, and one of the boys told her to go faster—she said she couldn't, and he pushed her along.

Cross-examined—the old shoes were too large for her feet—it made so much impression on my mind, that I remembered it when I got home.

Sally Phillips—lived in Topsfield, near Mr. Pike—at my sister's—In December saw Sarah B. Jay at the pump—had on gingham gown—bare arms and head—her shoes badly worn—her feet were exposed on the ground, which was covered with snow; saw her several times a day. One forenoon, I saw her at the pump six times, in the cold weather; she appeared to do it with great difficulty; I have seen her with two buckets at a time. I spoke of it to a number at the time.

Cross examined—I saw her one time when I was in the street, and at other times through my sister's window. It was in December, that I was in the street and saw her; I turned round and looked at her; I paused; I was not more than a rod from her; she was pumping water; she started from the pump, as I stopped; she went lame some; I know her stockings had holes in them, when I stood looking at them; I saw her naked toes; as she turned from the pump she faced me; her toes passed through the leather; the weather was cold; and some snow on the ground. What made me so particular was, I thought it was too much for her to do. [Several irrelevant questions were put to this witness about her mother's death, &c. but becoming faint, her further cross examination was suspended, and she retired from the court room, and was not again called to the stand.]

Dr. Strong—[of Boston]; called on Sarah B. Jay on Saturday afternoon, after reading the article in the Morning Post; it was the first Saturday in May; I had procured a girl for Mr. Pike and did not know but this might be the one, and I thought I would see about it; I found her lying in bed; her stomach and bowels were very much deranged, I am satisfied; I could not help being struck with one circumstance which appeared to me to be very remarkable: when I first attempted to examine her, she manifested the greatest symptoms of suffering, but all at once they subsided, and she submitted quietly; I really thought it something very singular; I was unwell, and did not make much examination, the first time; she had some cough; I asked Dr. Jackson to go with me the second time; we were obliged to use percussion; she complained a good deal, but after the first got over it; the mass of the disease was in the abdo-

men, and I thought the liver was enlarged; stomach and bowels very much disordered; her feet laboring under ulceration from chilblains; the feet had not been frozen; I have seen limbs which had been frozen, and there is a redness, and swelling and extreme tenderness; but in this case there were none of these appearances, but simply chilblains. Upon stripping her, found no marks of bruises. I supposed the child was sick in the ordinary Providence of God; I have never seen a child with chilblains so bad before; they are very painful before they ulcerate; I have known them to lay people up. I thought she had a scrofulous temperament, or habit; In such habits, the local health cannot be restored until constitutional health is established; there is an appearance of the skin by which we judge of a scrofulous temperament. The feet would have contradicted all my experience, if they had been frost-bitten; I thought the child required an alterative treatment; I saw nothing from which I should infer bad treatment; I think I have seen cases, generally resembling this, where there has been the kindest treatment. There is nothing more irritating to chilblains than urine. I went there with the determination of not hearing what was said; I did not give Mrs. Howard to understand what I thought of the child's state; I answered her inquiries as vaguely as I could; I told her, I think, that the sores on the feet were from chilblains. During the time I was attending her, I was myself taken down with the varioloid, and was attended by Dr. Shattuck, and often thought of asking him to attend to the child, but it always slipped my mind, when he was present. I was finally taken down to Rainsford Island.

Dr. Shattuck—[of Boston, called by the plaintiff] I had heard, that a child had been abused, and was asked to go and see it, but I refused to go until I received a letter from Mr. Pike, to visit it; I went in consequence of the popular rumours, hot and strong, that were raging like an all-consuming fire over the reputation of the poor Schoolmaster, Master Pike, as we used to call him twenty years ago. I thought the best refutation of the calumnies that were overwhelming him, would be to set the poor cripple to walk; and I verily believed that when the little cripple was seen walking about, the rumours so disadvantageous to my friend Mr. Pike, would die away like a nine days' wonder. I first examined the feet, which I expected to find in a bad state, and found that they seemed to have been affected with cold, and there was a sore on the little toe; but there was deep disease in its stomach and bowels, compared with which the sore feet, or the loss of a toe, would be but as a drop in the bucket. There was deep disease in the abdominal viscera, which required the most active and expensive medicines, and the best skill

of the physician. Heats and colds are the exciting causes of that disease. There was nothing associated with the appearances, to indicate abuse, at the time I saw the child. I think it was two or three days after Dr. Strong's last visit that I saw her first. She was then labouring under deep disease of a chronic character; it was evidently a case of deep-toned suffering; there was great morbid irritability; her legs were thin—spare; and she was very much emaciated. I have attended Mr. Pike's family, at different times, in Boston; I cannot say how often, for the instructor of youth and the preacher of the Gospel, I never made a mark against from the first day I commenced the practice of my profession. Alternations of heat and cold are a sufficient cause of chilblains; I prescribed for her feet *creosote*, so called from the Greek, and signifying *flesh-healer*. I inquired into the disease of her father, and I'm quite sure her mother told me that he died of a scrofulous consumption. I could not judge how long she had been sick.

Cross examined. I usually saw the child in bed. I considered its diseased feet as trifling, compared with its deep seated disease in the abdominal viscera. I considered its life in danger, and as I before observed, she required the best medical advice.

[The close of this day was taken up by a further examination of witnesses respecting Mr. Pike's character as a *schoolmaster*.—See page 8.]

Thursday, Nov. 26.

Witnesses called by the Plaintiff to rebut the Testimony introduced by the Defendants to sustain their charges against Mr. Pike.

Mrs. Gould—wife of the keeper of the Topsfield alms-house—Some-time last year, Mr. Pike brought Sarah B. Jay to the alms-house—Mrs. Pike and a little boy came with them—was comfortably clad—had a factory gingham gown, short sleeves, white woollen stockings—a woollen skirt, a warm one—shoes good, but run down to heel—and a good shawl.—She looked pale, and was not fleshy—the child was pleased—we have feather beds, coffee in the morning, meat at dinner, milk at tea. The girl was lively and low alternately—would be playing with the children, and all at once, would be down sick—she often wanted to sing. I've seen sorer feet before.

Cross-examined—I furnished her shoes that kept up at the heel—I furnished her a change of linen—Mr. Pike left no clothing for her—the nail part of her little toe was gone—the others were sore. When she left the alms-house, I put on her old shoes. I never washed her feet, but I furnished her with warm soap-suds to wash them with

herself—I took off the cloths, and put them on again for her—I would sometimes stand by and see her wash them in the warm suds, but put nothing else on them—no ointment. At times she appeared as well as the other children, then she would say she was sick, and complain of her stomach, and I would give her molasses and water. She said she was sick, but I think she made it, because if she had been sick she could not have eaten as she did, and played. At first I thought she was sick, and gave her the molasses and water, but afterwards I did not give her any. I did nothing for her in consequence of her complaining of being sick. She would, after playing in the kitchen, come to me, and ask to sit in my room, because she said the children made too much noise in the kitchen. I did not allow her to sit in my room when she asked to. Once or twice she sat there, when she did a little sewing for me, but not at any other time. She would play for hours, and then in a few minutes would be asleep—she had rags on her feet when she came, and I put on other ones. She wet them two or three times, and dirtied her clothes once. There were lousy people in the alms-house—I combed her head, when she first came, but found no lice upon her.

Thomas Gould—[keeper of the alms-house.] She had a cloak, when Mr. Pike brought her, which he carried back—Mr. Pike said she had conducted in such a way as to spoil most of her other clothes, but I might have what was left by sending for them. She looked pale and thin, sore feet, &c.—She would eat hearty when there was *meat*, but did not seem to eat the bread and milk so well. We did not consider that she was sick; was lively and would play and sing some. When she went away, her feet were getting better—I did not think she required a physician—If I had thought so, I should have sent for one. She defiled herself a few times, but not much after I spoke to her.—She wet the floor once, and laid it to a small boy. The day of her departure from the alms-house was pleasant—I believe she was there eight or nine days—I left her at Mr. Pike's for the stage to take her.

Cross-ex.—The pumps she had on were not suitable for well feet, but were better for her sore feet than another pair—they were flat down at the heel as if worn down—we put on a stouter pair, that we could get on to her heel—when she went off, we stuck her feet into the pair furnished by Pike, and carried her off in that state. Both the children and the old folks in the alms-house had lice in their heads. She complained of her stomach—I don't recollect that any prescription was made for her—the child was pretty thin, much thinner than the other children. I put a shawl around her, and took

her over to Mr. Pike's, in an open wagon, and brought the shawl back. I never went to Pike for the clothes, nor he never sent any. I never saw that she had any bodily disease about her—at times she would alter her voice, and talk in a whining tone of voice.

Jacob Tenney—[stage-driver]—I carried the girl to Boston from Mr. Pike's—I think it was a warm pleasant day; I told Mrs. Pike, I thought it was not necessary to put a cloak on her when she asked me—that her shawl would be enough as it was warm pleasant day—she did not complain, but looked pale and sickly—she was bright and lively on the road—and I heard her singing—there were other passengers in and at Lynn I told her to keep still. When we got to Boston, I did not mind that she had any difficulty in walking.

Cross-examined.—I recollect it was muddy—the sun shone—I have no recollection that any request was made to have any one look after her—I think I did not drive up to the door with the child, but stopped at the corner, and set her down on the sidewalk—two women, I think, were coming out of the house in Myrtle street, to receive her, when I left her.

Dr. Stone—I saw the child the day she went to the alms-house, accidentally, as she was leaving Mr. Pike's house—I made no examination regarding her health; but seeing that she was pale and much emaciated, I looked at her tongue—it was perfectly clean, and I perceived no indications of disease about it.

Cross-examined.—I was not sent for to see the child—I happened into Mr. Pike's accidentally.

Miss Hannah French—[teacher of a female school in Boston]—I live in the next street to the child's mother—saw the child soon after she returned—I had a particular request, through my father, from Mr. Mead, to see the child—I expected to find her in the last stage of consumption, but I found that she was not worse than many children, who have had the best of treatment. The mother declined removing the bandages, because it would give her child so much pain, but she showed me a part of the toe, and gave me to understand that all the rest were as bad as that. The mother said the feet were frozen; I went there again afterwards in company with Dr. Strong. I saw the feet then, and I was very much surprised that they were so well as they appeared to be—I was convinced they were chilblains, and said so to Dr. Strong—I had been led to expect the whole feet as bad as the toe. I was very much astonished at discovering the artifice and cunning of the child in affecting weakness—I would sometimes find her sitting up, lively and eating, and when she ob-

served me, would assume the airs of languor [here Miss French gave an imitation of the child's supposed languid affectations.] I would go in three or four times a day and discover these marks of affectation. Three or four weeks after she came to Boston, I saw her playing in the street, and I said to her, "you are not so sick then, little girl, as you were," but she made me no answer, and ran into the house. The mother told me that unless the passengers had put some things on her she must have suffered. The mother said the child was comfortably clad, when she went to Mr. Pike, but she came back very thinly clad, and said Mrs. Pike had kept back a black silk gown she had when she went away. I had all the excited feelings of the neighborhood against Mr. Pike, when I went to the house to see the child first. I have charge of a female school.

Cross examined—I live about the 16th part of a mile from Mrs. Howard.—When I went there first, I found the mother, and her children and an interfering old woman, who answered the questions for the child, and remarked about the case—the little girl was sitting in a chair—when I visited her I usually found her eating—either an orange, or cake, or pie—I did not examine her arms, or body to see if she was emaciated—I saw the side of her foot—it was not in so high a state of inflammation as I have seen—I have had chilblains as bad myself—the ulcer extended from the side of the foot to the toe—I did not notice that a joint of her toe was gone. Her feet were not in so bad a state, to look at, as her eyes now are in, from the abuse of her mother, I suppose. The child looked pale and languid. On my first visit my sympathy was much excited—I thought she had been abused—I visited her the next day, once or twice. Perhaps on the fourth or fifth day, I discovered the imposition of the child—I was disgusted with the deceit practised. Mr. Mead showed me a piece in the paper, and said there ought to be something about Mr. Pike right under it—I told him to be careful—Says I to him, "Mr. Mead, be careful; be careful what you are about; this affair will be investigated—you don't know the truth of this matter yet, perhaps." I thought the child out of health, but not alarmingly sick—there was great excitement among the neighbors, and the mother and the talking old woman used every means to increase the excitement. People were expected to make themselves welcome—I carried something—I can't say now what it was—I do not charge my memory with such things.

Saltonstall.—While you were thus obeying the christian injunction, of not letting your right hand know what your left was doing, did you think the child was an imposter?

[The witness does not answer, but stands mute.]

Saltonstall.—Did you discover that she was an impostor before or after you carried that "something?"

Miss French.—I gradually discovered that she was deceitful. I stated to my own family my opinion, but did not disclose it at the child's house, or to her mother. I continued to visit there often.

Saltonstall.—If you believed her to be an impostor, what was your motive for continuing your visits?

Miss French.—I possess a persevering disposition, and when I undertake any thing I like to go through with it, and I was determined to find out if she was an impostor.

Saltonstall.—Then you went for the *amiable* motive of detecting her, did you?

[The witness returns no answer.]

Saltonstall.—Can you recollect how many times you went for that *amiable* purpose—was it three, four, five, or six times?

Choate.—Your honor, I declare I *must* interfere for the protection of that lady.

Saltonstall.—And I must have an answer—I expect the lady knows for what purpose she is called upon that stand.

Miss French.—I expect I have got to tell the truth.

Saltonstall.—Well, how long did you continue to go there?

Miss French.—For three or four weeks.

Saltonstall.—When did you tell Mr. Mead this matter was to be investigated?

Miss French.—I gave the caution to Mr. Mead the day the piece came out in the paper—it was before Dr. Strong visited the child—Dr. Strong went that afternoon.

Mrs. Cushing.—saw the child on the 2d of May—was surprised to see her so well, after what I had heard—I thought her health feeble, but she had an appetite; I saw her twice; the second time she was eating some gruel, with a cracker in it. The mother said she wore home but two articles of dress, and that the driver or passengers in the stage offered her clothes. I said to the mother, "*providentially* it was a warm day." She said the child had a silk dress and one or two silk dress aprons from Mrs. Colby, which she had not brought back. I saw the child very soon in the street, considering what they said of her illness, and I told the child so. I said to her, I was surprised to see her out so soon.

Cross Examined.—I thought the child was very feeble, but she appeared to have a good appetite. The mother stripped up her night dress sleeve, and she appeared emaciated. The mother said she had no petticoat on, when she came back.

Mrs. Martha Williams.—[Mrs. Pike's mother ;] I was taken suddenly unwell last Saturday ; I recollect when *Benizette* [Sarah B. Jay's middle name] came ; I was below almost every day ; Mrs. Pike was not sick for three or four days before we left Boston ; Sarah's work was to help wash dishes, sweep up kitchen, scour knives, &c. Ever since I resided in the family, I have had the entire care of mending the stockings, Sarah's among the rest, up to the time she left, and I have remarked that the toes of them were generally better than most of the others ; she had three woollen pairs ; I saw the girl every day almost ; never saw her out doors with her toes out, or in the house ; never noticed her shoes particularly ; they were thick ; after her feet became sore, she complained her shoes were too small, and she then wore one shoe, and one India rubber ; I have often heard Mrs. Pike forbid her to go out for water ; it was a standing rule that she should not go for water ; her feet were then sore ; never saw her go for water ; the other girl went for the water ; never saw more than one pail used for bringing water ; *Benizette* was as well dressed as the other girl ; had a comfortable woollen skirt ; three calico gowns, beside a gingham one ; had a silk dress made up in Boston ; I have heard Mrs. Pike speak to *Benizette* about her dresses, which were not made up ; they were basted together ; Mrs. Pike used to tell *Benizette* she should have them if she behaved well.

Benizette slept in the middle chamber of the 3d story, with the other Sarah ; *Benizette* and Sarah slept together a number of weeks ; one morning I found Sarah sleeping outside the clothes, because there was both wet and filth in the bed. Then the straw bed was taken out, and made up by the side of the other one ; it was doubled ; she had two sheets, a blanket, and a woollen quilt twice doubled ; and there was a quantity of bed clothes in the chamber besides. I have heard Mrs. Pike repeatedly ask Sarah to see that *Benizette* was tucked up comfortably ; this was after *Benizette* kept herself continually in a bad state ; both of wet and filth ; those habits continued as long as she staid there. Mr. and Mrs. Pike talked to her and tried to persuade her ; Mr. Pike whipped her with a small rod ; seen him shake her and box her ears ; she left her filth in the chambers, in Mr. Pike's study and in the stairs ; she came down one morning with her hair, cheeks, eye, and edge of mouth covered with it. As soon as she was cleaned, in an hour or two she would be wet and filthy again ; her feet had bandages part of the time ; her food was the same generally as the rest of the family ; she was not required to work, they only wanted her to behave decently.

Cross examined—I have seen her go for water, and have heard her called back ; she was active in doing more than was required of her ;

to be sure she did a great deal more than was wanted of her ; It was six and might have been ten weeks, when she fell into those disgusting habits. She was often sent to her chamber and told to stay there, because she was not fit to be seen ; perhaps an hour at a time ; not to my knowledge, a day or a day and a half a time ; I can't say but what I heard Mr. Pike say he had sent her down into the cellar for exercise ; perhaps two or three weeks before she went to the poor house ; don't know how long Mr. Pike kept her there ; she never went to meeting nor Sunday school ; she appeared to have her health, but was pale and emaciated ; I don't know that any one had the care of her before she left ; when questioned she would say she didn't want to be a good girl ; I saw Mr. Pike administer the assafoetida ; he gave her a little piece ; told her to chaw it up ; said it would do her good ; I did not see that she made much objection ; heard it was not a great while before she went to the Alms-House ; I don't recollect ever hearing Mr. Pike threaten to put a hot fire shovel to her body ; I don't remember that she ever hid herself in my closet ; she often staid in my chamber.

Sarah Knowlton—lives in Mr. Pike's family ; I heard Benizette's mother tell Mrs. Pike, that she had a bad temper, and she wished her to conquer it [the witness confirmed in every particular the testimony of the preceding witness respecting her clothes and said] I had out-grown my silk gown and it was made up for her in Boston ; Mrs. Pike furnished her with a calico and gingham gown, but would not have them made up, because she was so dirty ; little Joseph was clothed no better ; his skirt was not so thick and warm as hers. They bought her a pair of calfskin shoes, and she wore them till her feet got so bad, that she could not wear them any longer ; she then wore an old pair, but there was no holes in them ; she was not allowed to go for water at all after her feet got so bad ; she never took two pails, because we had but one which we used to bring water. Her feet were washed in warm water and rum ; I used to attend to her feet ; put on cold cream once ; she kept her feet wet most all the time ; her food was the same as the rest of the family ; except when she had been taking salts, when Mrs. Pike made gruel for her.

She used to leave her filth in every part of the house and in Mr. Pike's study—sometimes she would say she did it because she was a bad girl—sometimes she would say she did not want to go out because she was ugly—sometimes I would go out with her, and stay a good while, and she would not do any thing, and as soon as she got back to the house would dirt herself—On the morning she went away to the alms-house, the same thing happened, while I was dressing her by the fire in the kitchen.

Sometimes Mrs. Pike would not let her have any cake, or pie, or any dainties, and would say she should not have them until she behaved better, and was clean. [The witness stated, that the child would tear up her linen, and the sheets from her bed, and from the witness' bed, and roll up her filth in the pieces, and throw them into the cockloft, behind the boy's trunks in their chambers, and between the sacking and tick of the witness' bed. On the point of the child's habits, the testimony of Mrs. Williams, Miss Pike, and the witness corresponded in every particular. They all stated that there was no fire kept in the chamber in which the child and the witness slept.]

Cross examined.—Nothing of her foul habits in Boston; not till eight weeks after we got to Topsfield; Mr. Pike would slap her ears; once he sent her into the cellar for exercise, he said; Mrs. Pike would order her into her own chamber to keep out of the way till the boys went to school; she did not go to meeting, nor Sunday school; nor I till after she left; once she complained of being sick in her stomach and said she had the headache; she was kept in her chamber all day, and Mrs. Pike gave her an emetic; no physician was ever sent for; her appetite very great, and increased; although she continued to increase in eating she lost flesh; when Samuel was sick he was as pale and thin as she was; he had the doctor; her bed was not moved or changed after the first three or four days; the sheets used to be dried, and the sun used to shine on her bed as it lay. She had seven thicknesses on her bed for covering. She was only deprived of meat when taking medicine; I remember one night when she escaped from the cellar, and hid herself away in a closet in Mrs. Williams' chamber; we missed her at supper; there was a great uproar and excitement; it was after nine when she was discovered; one of the boys heard her breathing in the closet; it was a very small one, and she had got under a shelf, and was not seen the first time the closet was opened; I do not remember that Mr. Pike sent for some rum to pour unto her sores after we found her; I don't remember that he ever threatened her with a hot shovel; Mr. Pike did nothing but talk to her, when she came out; Mrs. Pike gave her salts because she was very humory indeed. She was deprived of pie or cake sometimes, after she had behaved ill, which was not till as much as eight weeks. It was not very frequently that she had to live on water gruel.

Miss Martha Pike—[daughter of the Plaintiff]—mother was not sick just before she left Boston; it was about four or five weeks; Mrs. Howard came just after; I heard her say that Sarah [called Benizette by Mrs. Williams, and the other Sarah] had a bad temper; or an ugly temper; I remember particularly, that once her mother

asked my mother, if she had seen anything of her bad temper, and mother said no; her mother said she always had sore feet in the winter, and said she was laid up three weeks, the winter before; when we left her father bought her a box of ointment for her feet. The shoes she wore away were dancing pumps that belonged to one of the boys; he only wore them two or three times; we sent out to get a pair to suit her on account of her sore heels, but could not find any; the pumps were put down at the heel on account of her sores; she had a pair of India rubbers too, for the same reason; she always liked to pump, though not allowed to after her feet were sore; she ate the same kind of food as the rest, only more. I have often heard mother give Sarah directions to cover up Benizette, because she used to go to bed early. [The witness gave the same account of the child's personal habits as the other witnesses; she also confirmed them in every particular respecting the child's clothes and bed covering.]

Cross Examined—Her feet were quite sore a number of weeks; were better when she went away than before; she appeared to be very well when she came; not very well when she went away; would complain in the morning of headache, and then eat a hearty breakfast; we did not think she needed a physician. I have seen father whip her with a stick; once two mornings running; this was two or three weeks before she left. I remember when she was found in the closet; she was always sent up stairs, except when the boys were in school; when they went to school she was called down, and sent up again at the intermissions, so that the boys should not see her. It was at the end of January, or the beginning of February. The morning Benizette came to our house from the Alms-house, to go to Boson, I did up her clothes in a bundle; My mother knew of it; my father was in school; I did them up while Benizette was there; I laid them by her side in the kitchen, while she was waiting for the stage. She went without them; they were entirely forgotten till after the stage had gone; there were three calico dresses, one skirt, two pair of stockings, pantalettes, several aprons and linens.

Sarah Knowlton re-called—I saw the bundle of clothes in the kitchen; they were done up in brown paper, and tied with twine.

Joseph Ware—Boarded at Mr. Pike's last January; Sarah Benizette had the same food as the rest of the family; she used to eat in the kitchen with the other girl; Mrs. Pike would tell her if she had not enough to come up and she would give her some more.

Dr. Cleaveland, of Topsfield—I don't know that I ever saw this girl; Mr. Pike told me about her habits; assafoetida is perfectly harmless; I think I told him I had known it to be given with good effect. I should think her habits would affect her health, as cleanliness is essential to health.

Cross examined—I signed the certificate; I never called as a physician to see child; Mr. Pike called more than once about her; I had advised him to send her home.

Dr. Stone, re-called—Her habits must have affected her health, and would naturally produce *marasmus*; that is, much emaciation.

Mrs. Howard, re-called—I frequently told my neighbours, that Mrs. Pike was good to me and my child in making presents of little articles of dress. My husband told me he had seen Sarah in a black silk gown, and I supposed she received it from Mrs. Colby; I never told Mrs. Cushing that the child wore home no skirt; I don't know that I mentioned the skirt to her. My child got her sore eyes at school. [See an observation in Miss French's testimony, page 32.] They were so sore that she could not go to school, and when I went to the school to mention it, the lady that kept the school told me that the eyes of a great many of her scholars were sore, and affected in the same way, but generally not so badly; I think she said more than half of them had sore eyes. At first I used to urge people to see my child's feet, and would show them, till Dr. Shattuck advised me not to do so. I don't remember telling Dr. Shattuck that my husband died of a scrofulous consumption—I have said he went away insane, and that I did not know that he was dead only from what I had read in a newspaper.

Friday, November 27.

MR. SALTONSTALL this morning entered upon the closing argument for the defendants, by observing, that it was a subject of congratulation, to all parties, the court, the counsel, and the jury, that the termination of their labours approached, though he was not aware that the case had taken up more time than was necessary, considering its great importance. Mr. S. then proceeded to comment on the evidence in a most impressive and convincing manner; he admitted, that Mr. Pike, the plaintiff, a public teacher, stood well in the community until this difficulty but that it was his misfortune, by his own conduct, to have exposed himself to severe remark. He would contend that the charges against him were true, and that the defendants' pleas in justification had been substantially made out. Malice was essential to the maintenance of this action, and the jury would inquire into the motives and intention of the defendants in visiting the scene of excitement in Myrtle street; and if the jury should find that the proof did not come up to the strict letter of the libel, they would only find such malice as the law itself presumes, and would only give the very smallest amount of damages. The jury would perceive

by reading the article, that the writer claims its publication for the sake of humanity. Mr. S. reminded the jury that the child behaved well till after she had been at Topsfield 7 or 8 weeks, when she unaccountably obtained a most extraordinary victory over Mr. Pike and all his family—according to the testimony of the members of the family—she obtained this victory over one, whose business for 20 years has been to control and govern, and suddenly sunk into the lowest degree of loathsomeness—whether from physical disease, mental aberration, or imbecility, or stern sullenness, the jury would determine from the evidence. She was then put into the alms-house, and was not sent from there by any agency of the plaintiff. It was also proved, that all the time the child was at the plaintiff's, she was never sent to church or sabbath school, and thus her mind and heart were deprived of their proper aliment; and to deprive a child of her tender and peculiar age of all advantages for the formation of character was as great cruelty, as to furnish her with indifferent food. The jury, he hoped, would bear in mind, that the child was not eight years of age when these acts of neglect commenced. Mr. Saltonstall considered that the question of the credibility of Mrs. Howard, the child's mother, lay at the foundation of the case, and would descend to that point with great alacrity. I call upon you, said he to the jury, to say if she be not an unimpeached and unimpeachable witness; and if she had been impeachable, with what pleasure would not Miss French have attempted it to aid Mr. Pike. He referred to the testimony of Mrs. Colby, that the child was honest, cleanly, and amiable, but lively and prattling—how conspicuous, too, had been the frankness of the mother. All the witnesses declared that she was healthy when she went to Mr. Pike's, and the change in her habits was a prodigy that could not be explained by any supposition, but a neglect on the part of Mr. Pike or his family. Unless she had been bound, it would have been his duty by law, to have returned her to her parent, without any contract to that effect. But there was an express contract, that if the child was sick, or either party were dissatisfied, she was to be sent home. Even had she been all they describe her, it would have been his duty to have taken her home, in a chaise, a wagon—aye, a scavenger's cart, surrounded with guards or police officers. But long before there is any complaint of her habits, she was seen by many witnesses drawing water at the pump and in the yard exposed, and dirty—they all paint the child as a poor neglected thing, worse than a Southern slave, and then when, by the testimony of the physicians, she was suffering from deep disease, in her stomach and bowels, he tipped her over into the alms-house for fear she would die upon his hands. This matter of the alms-house, was the very *gist*—the very marrow—the head and front of this charge against

him. He did not even notify her mother till the overseers compelled him by their refusal to keep the hapless being in the alms-house. It was cruelty to put her in the alms-house, even if her conduct was as bad as stated; she was but a child—a young child—and it was his duty to have guarded against its habits—it should have been treated as a fatal malady; and if he found he could not check her, he ought to have sent her home. It was a point worthy of notice, that neither before nor since that time, when under other hands, nothing of the kind occurred, and even in the alms-house, where at least she had a comfortable bed, improvement became visible. At Pike's, sick though she was, for punishment, she was deprived of her meals, of meat, of pie, or cake—cuffed, slapped and beaten with a rod,—and confined eighteen hours in her chamber, without fire; for it is in evidence, that she was kept there all the time the boys were not in school. They say she looked as pale as Samuel, when he was sick and had the doctor; and Mr. Pike ought to have called in a physician to see her, and ascertain if any physical difficulty existed. The child must have suffered the greatest agony, before she was sent to the alms-house, said Mr. S, with the chilblains. What must she have suffered from an ulcer that actually destroyed a joint of a toe! We all know that mere chapped hands will sometimes keep grown people awake all night; and if this child had been Mr. Pike's own, it would have been laid on the bed, with a fire in the room, and nursed and attended. Did she come home properly clothed? Was she not deeply diseased? The whole evidence proves it. It is true, that Miss Hannah French, contrary to all the Doctors, by her superior shrewdness, discovers that the child and its mother are only playing a part—by her deep penetration she detects what no one else suspects. Judge, gentlemen, if her opinion does not originate in a desire to appear wiser and more knowing than anybody else. You saw her manner on the stand, and I have no doubt you marked her testimony. Her conduct and openly avowed motives should of themselves affect her credibility. If further evidence of her feelings be wanting, let us recollect her gratuitous insinuation, that the child's sore eyes which we have witnessed here, were produced by the abuse of her mother.

When at the suggestion of Miss French, Dr. Strong goes there, does not the mother at once consent to an examination. He tells us of no disguise.

What does Dr. Shattuck say, when he tells you he went there at Mr. Pike's request, and found so much disorder in the very seat of life, that he paid no attention to her feet. He comes on to the stand as an avowed friend of Mr. Pike, and if he had not avowed it, you must have perceived it, but he came on to the stand, too, to speak the truth, the honest truth, unreservedly. No. Dr. Shattuck, who,

under Providence, was the means of saving the child, suspected no sham; and he even administered to her such active and energetic medicines as the urgency of the case demanded, and which, from their powerful character, must have destroyed her life if she had been a well child, instead of being reduced to the last stage of debility; and when the question is directly put to Dr. Jackson, he replies "that she was altogether too sick to play a part." Mr. S. reviewed at length the medical testimony, and put it to the jury, whether, in the very language of the libel, the child was not "reduced to the lowest state of wretchedness." Passing somewhat cursorily over the other parts of the evidence, he adverted to the charge of "brutal cruelty," again. —He contended that the charge was true to the letter: In the first place, taking no account of other punishments, is it not proved, and not attempted to be denied, that he compelled the child to take *assafoetida*, the most nauseous of all substances except *one*, which he afterwards administered, and as he says, without her wincing. What does this fact, so disgusting, so revolting, prove, but her entire submissiveness—that she had no power, no hope of resistance; yes, her taking it only proves how entirely she was broken down, in body and mind, by a long course of cold and blighting neglect. This fact alone, said Mr. Saltonstall, would justify the whole libel. It is impossible to foresee what may be said on the other side; they may tell you of his good character, his unblemished reputation, his standing in society, and the feelings of his family; but I would ask, what damages are due to the *feelings* of a man who could make a child eat her own excrement? But, gentlemen, before you think of giving damages, you will look into the heart of the defendant for his motive. What motive could he have had but of humanity—of duty—to do as he has done? Was it not one of the cases in which the press should have spoken in a voice of thunder?

Mr. Saltonstall's argument occupied about two hours, and profoundly engaged the attention, of the Court, the jury, and a deeply interested audience during the whole period of its delivery. As soon as he closed, he was immediately followed by

MR. CHOATE, who commenced his closing argument for the plaintiff, by observing to the jury—"all your verdicts, gentlemen, during the present term—all the cases you have tried and all the justice you have dispensed, are of no importance compared with the justice which now remains to be done to this deeply injured man, who has been so remorselessly assailed through the columns of one of the keenest and most widely circulated journals in the country; and the same foul charges, and false, have been re-written on the Records of this

Court, by the pleas, seven times over, and will there outlive even the Morning Post. To the plaintiff it was a case of life and death. Mr. Choate was willing to admit that the plaintiff had made two or three mistakes, but the evidence entirely failed to make out a single act of cruelty. Yet cruelty—"brutal cruelty"—is the general charge; and to say that these mistakes, which no man more than the plaintiff himself regrets, amount to such cruelty, is a deadly and ferocious libel, and whenever it is read and believed, my client's occupation is gone; for a parent, who shall believe him guilty of the acts charged would sooner send his son into the fore-castle of a Portuguese *slaver*, than entrust him with Mr. Pike; or he would strive to rescue a daughter from his grasp, as desperately as he would struggle to rescue her from an Indian captivity. He is charged with keeping the child for five long months on Indian meal—if true, his conduct is low, blackguard, lousy, and beggarly; but there is not a line of evidence, that she was not well fed. It is said she was compelled to sleep on a straw bed, without covering, till her hands and feet were frozen: What becomes of the man of whom this is believed in the County of Essex? Mr. Choate contended that the article was false to the letter, and false in spirit; because it gave no intimation to the reader that the girl was a prodigy in character. This omission was of itself a great falsehood. Not a reader of the paper could ever have imagined the unheard of situation of Mr. Pike and his family. It is said she slept on straw: why not tell the reason why it was necessary for her to sleep there? Mr. Choate dwelt at length upon this point, and contrasted the evidence for the plaintiff and the defendants respecting the treatment of the child during the early part of her residence in Mr. Pike's family. He observed, that he believed that all the witnesses, except Sarah Phillips and the washerwoman, intended to tell the truth, though they might labor under some natural bias; but those two were the only witnesses who had sworn to falsehood designedly. I thought, said he, that she fainted soon after saying she saw the child's toes out, and not after the question respecting her unfortunate mother's death. Mr. Choate abandoned entirely the ground, that the child had been playing a part, and did not attempt to explain, even once advert to the testimony of Miss French on that topic, although in an earlier stage of the trial, he gave notice that he should argue the cause to the jury on that ground. With respect to sending the child to the alms-house, and not home to its mother, he admitted that the plaintiff could not sustain himself in an action on the contract, yet knowing as he did, the extreme poverty of Mrs. Howard, and that she was about to be confined, he might see in that circumstance a powerful and humane motive for putting her into the alms-house, rather than

sending her home. He must have remembered Mrs. Howard's declarations, that her husband never expected to have to maintain this child; that she was not at home when she married him, and that she was for this reason, and her bad temper, for that was the character she received from her mother—and think what a child she must have been to have wrung such a character from a fond mother's heart—such a mother too, as we have seen her to be—and for this reason, she was the cause of great domestic difficulty. To keep her in his own house longer, was impossible; and he thought that a husband, poor as Mr. Howard is allowed to be, and rendered fretful by a new charge of his own, might be still farther exasperated by an additional burthen that had already rendered herself disagreeable to him. I admit, gentlemen, that the contract to send her home was binding on Mr. Pike; but I do verily believe that he was actuated by the purest motives that ever prompted man, in not sending her there. Mr. Choate considered that the medical testimony in the case negatived the inference that her condition was the result of any harsh treatment she had received—not one of the doctors, said he, could infer from the mere appearances only, that it was a case of neglect and cruelty. It was proved that she had a scrofulous temperament, and that fact was sufficient to produce the emaciated condition to which she was reduced. Every thing about the case was infelicitous and calamitous in the extreme. Mr. Pike and his family thought she was stubborn, sullen, and not ill, from the circumstance of her great appetite; for it was in evidence that when Mrs. Pike thought she was sick she medicated her. In this point of view, two other certainly unpleasant facts in the case, which have been made to assume great importance in the pleas and arguments, admit of some excuse, if not entire justification. He alluded to the substances Mr. Pike made her put in her mouth. The assafoetida was undoubtedly administered as a disciplinary measure—to effect a moral reform—to conquer the will—for they did not attribute her conduct to disease, which it is now useless to deny probably existed. With regard to the other matter, the jury would hesitate before they would convict the plaintiff of the whole libel, for that one ill-advised act. The jury would look at the plaintiff's situation—tried in a way no mortal man was ever tried before—they would remember his threat to do it, and her continued contumacy, as he supposed—and, under such circumstance, see some considerations to mitigate the act. They surely will not drive him out of the world—outlaw him—for one injudicious act; for that must be the effect of a verdict which says the charges in the libel are true.

Believing, the defendants had entirely failed in their justification, and that the plaintiff's case was established beyond a doubt, Mr.

Choate adverted to the damages, which he had a right to expect; and it was fortunate, he said, the defendants could pay even the entire sum claimed.* To estimate the extent of injury sustained by Mr. Pike, it must be recollected, that the Post was a leading political paper, at the head of its class, and circulated all over the country; that on account of its wit and the general ability with which it was conducted, it was sought after and read by many who did not subscribe to its political doctrines; and that in its matters of general intelligence, and in its criticisms, it was considered as speaking upon its honor and authoritatively, and was therefore fully credited, aside from its political views. It should be recollected, that in this instance, they had stepped aside from their main business as political partizans, to attack the plaintiff, a private citizen, and exercising a private calling. He would have the press pour forth its blasts as free as the mountain storm on political men; but there he would have its licentiousness stop. He would not in the present case go for express malice, but for gross carelessness in the use of a great instrument—a precipitate movement on the part of the defendants that was death to the plaintiff.

[Mr. Choate's argument occupied about five hours in the delivery, and was distinguished throughout by great ingenuity, and presented every fact in the case favorable to the plaintiff in the strongest possible light. His principal object was to satisfy the jury that the circumstances proved by the defendants, in justification, did not meet the issue presented in the libel, and the plaintiff therefore stood upon the law, which protected him as much as it did any other citizen, notwithstanding the facts that had been proved against him. He came to court, he said, to try the truth or falsehood of the charges contained in the libel, and nothing else.]

Saturday, November 28.

His Honor, JUDGE PUTNAM, after settling some points of law, which had been referred to by Messrs. Choate and Saltonstall upon the opening of the Court, remarked generally, that the whole evidence was open to the jury, with respect to the damages, even if the defendants did not fully make out their pleas in justification. His Honor

*On Tuesday, Mr. *James L. Homer*, summoned by the plaintiff, to give evidence respecting the property of the defendants, testified, that Mr. Beals had formerly been his partner, in publishing the Boston Commercial Gazette, and he was of opinion, that Mr. Beals was worth from ten to fifteen thousand dollars. Mr. Homer said he did not know anything about Mr. Greene's property, but he lived like a gentleman. Mr. Homer also said that "that every printer in Boston had a right to live in good style."

then proceeded to charge the jury substantially to the following effect: It is, he said, one of the most interesting causes that has been brought in the county for many years, and has been presented to you, gentlemen, very ably by the counsel on both sides; and it is now our duty to endeavor to do justice to the parties—to render them the same justice we ourselves should expect if similarly situated. You have been told that the defendants have stepped aside from their ordinary business to publish a grave, but false charge against the plaintiff, Mr. Pike, and that the result must be ruinous to his reputation, and he therefore comes into this Court to obtain the only redress that can be had. On the other hand, the defendants say it was their duty to publish the truth, for the cause of humanity, and that they only have endeavored to do so, and in fact have only done so. Gentlemen, the charge is that the defendants have published a libel, imputing criminal, or at least unworthy conduct to the plaintiff for which he ought to recover damages; and the defendants come into court and say the plaintiff ought not to recover, because he did certain acts set forth in the pleas of justification. Now, if you find that the reasons set forth in the pleas are not proved, then the verdict must be for the plaintiff; but before you come to the question of damages, you must say the defendants are guilty of this libel. Then the question is, how much damages—should you ever arrive at the conclusion to give any damages at all—how much damages ought to be given, upon the whole matter in evidence. The question of damages must be upon the whole matter—you must take the evidence on the justification altogether. You must go into the question of the malice—whether slight or gross; and ascertain what will compensate, in justice and reason, the legal wrong committed. You have nothing to do with the feelings of either party—however sore either may feel, it is nothing to the jury. "Brutal cruelty," is the charge—the nature and meaning of the charge is *extreme cruelty*, to meet which it is not necessary, for instance, for the defendants to prove that the plaintiff kicked the little girl down stairs, or did any other violent act, for great neglect may amount to great cruelty, which we all know, may be practiced in various ways.

His Honor said he considered the two great questions in the case to be, What was the condition of the child when it came into the hands of Mr. Pike, and when she came out? You ought to settle in your minds, the terms upon which she came into his hands, and what the conduct of the family to the child was, and whether that conduct were agreeably to those terms? How she was when she came, how she was when she left, are the two great points, which I shall notice, and I shall leave you, gentlemen, to fill up, from the

evidence, the intermediate condition of the child, yourselves. The application for a child was made by Miss Pike, for her mother, to Mrs. Colby, who referred her to Mrs. Howard, the mother of this child, whose husband was poor, and did not feel able to support it. The child has been living with Mrs. Colby, who gave her work to do, and she did it neatly, and was particular not to soil her clothes—she was clean when she went to Mrs. Colby's, and her mother made her so. The character of the child's mother is material in this case, and her conduct very remarkable, if she was playing a part, for she voluntarily says to Mrs. Colby—"I will not deceive you—she is a very bad child—her word is not always to be taken." In consequence of this declaration by the mother, Mrs. Colby tempts the child's honesty, and I should think, rather severely; and it seems to me to an extent somewhat doubtful; for we are taught to pray—"Lead us not into temptation." I should doubt very much the expediency of tempting so young a child so, but yet we see that she took nothing. Mrs. Colby described the child to Mrs. Pike as requiring gentle treatment. Mrs. Colby says she herself did pretty much all the talking, but the mother said, that if her child became sick, or there was any dissatisfaction, she wished her sent home. Mrs. Davis testifies to the same point. The child was to be brought up the same as Mr. Pike's own children, and so as to be able to get its own living. There can be no doubt as to the terms upon which the child was received. As to her health at that time, she was not a robust, but what might be considered a healthy child, but had been afflicted with chilblains; but was well then. Well, then, what was her condition when she was returned? Let us not look at the facts as they are presented and mixed up with the eloquence and arguments of counsel, but let us sink down to the naked facts. What was her condition when she returned? You heard what Mrs. Colby said—a fortnight after she returned, Mrs. Colby hardly thought she could live. Mrs. Howard tells you that she was so thin, the hip bone had wore through the skin, and produced a little sore—that she was very costive, but had a great appetite. Dr. Flint says—"I have no means for deciding whether the feet had been affected by frost or chilblains," and that one joint of the little toe was gone. Dr. Jackson thought that she was laboring under an organic disease, and was too sick to be playing a part. In this matter, the opinions of physicians ought to have vast weight, passing over the opinions of individuals who have spoken of her condition. I call your attention particularly to Dr. *Shattuck*, who was called by the plaintiff. I think it a matter of no consequence who called him—whether plaintiff or defendant—every body can see that he is disposed to give you the truth. He

thought Mr. Pike had been abused, and he went to see the child. He found her deeply sick, he says. There was deep disease requiring active remedies, and expensive ones. He did not regard the loss of the toe as a drop in the bucket compared with the internal disease. She had an irritable stomach—deep chronic disease in the abdominal viscera. The opinion of such a man as Shattuck is worth more than the opinions of a thousand people, who only judge from external appearances.

The next question is—Did Pike, or did he not, pay proper attention to the child? Has he, or has he not, been guilty of neglect and inattention. These questions, gentlemen, are for you to decide. Was it for him to know, or not, that she was sick? She was in his care:—Was there nobody in Topsfield who could tell whether she was sick, or sullen? Was there no physician that he could have called in to examine her? For nearly five months she lived with him, before there was any difficulty—the night of the 7th of February was the first time she fouled the bed; after that time her conduct was certainly unaccountable and extraordinary. Whether it was the result of wilfulness, or disease, or insanity, the jury must judge. You will remember, gentlemen, that her father ran away insane, and is it impossible that her mind should be somewhat affected also—insanity displays itself under a thousand forms. This was in the winter be it remembered. What should Mr. Pike have done in his excessively difficult situation, supposing her to be sullen? What should he have done, putting down every thing that has been said against her as true—admitting that she was wilful? Nobody would complain of the rod being used, or does complain; but humanity and the law will not permit a punishment, that will endanger the health, or degrade the character of the child—a punishment that may bring on disease. Suppose she was as bad, as you can conceive a child to be, was it, or was it not, a discreet punishment to send her up into a cold room to sit alone from hour to hour, on such a morning as the present for instance, when the ground and the tops of our houses are covered with snow? Was that a proper punishment, or not?—The evidence is that she was so kept for a considerable time—when the boarders were *in*, she was *up*; and if she was not frozen, she must have been chilled. Gentlemen, take this case home to yourselves—try the case, as if it was your own child. See if this be a proper punishment, or cruelty. You are the judges, if this be cruel or proper. The plaintiff may think it proper, but you are to decide that question—not he. I think this view of the case of considerable importance.

On the other point, if you believe that she was then afflicted with the internal disease, which was upon her when she returned home,

and that that disease produced a morbid state of mind, which rendered her unable to take care of herself, and preserve herself clean, what should Mr. Pike have done? And here comes in the contract: If he became dissatisfied, he was to bring her home. They say that they attempted to reclaim her, and did not send her back to her mother on account of her mother's poverty; that they kept her out of charity to the mother. But in connection with this charitable consideration for the condition of the mother, you will recollect Mr. Pike's declaration about the child—"Destitute she came, and destitute she shall return." Mr. Pike must have had an opinion, that she was diseased, for he said to the overseer of the Alm-House, "I am afraid she will die on my hands." Was this putting her in the Alm-House, a fulfilment of the terms upon which he took her? Was the mother or Mr. Pike to be the judge of the comfort of the mother's home? What says the mother?—"Bring my child home if she is sick." The mother knew, that in Boston, if she was poor, and could not provide for her sick child, that she had only to make her wants known, and relief could be instantly obtained. In Boston, there are ever to be found persons like Mrs. Colby, prompt to afford relief to distress, whenever they are apprised of its existence. In Boston, an honest but humble family, can always obtain relief in sickness, if they will only let their distress be known. Whenever they can step over their pride, and disclose their humble state, there is no place in the world where they will receive prompter assistance, than in Boston. That she could be taken care of—good care—at her mother's, is proved by the fact that she was taken good care of, after she returned. Dr. Shattuck tells you she required the most expensive medicines, and she had them, but how they were furnished, or who furnished them, we don't know—only we know they were not provided by the mother, being beyond her means. Mr. Pike then did not fulfil the bargain, and there was no reason, why he should not.

The child complained before she left Mr. Pike's and while at the Alms-House, though she would play a little, and had an appetite.—Would she have complained, if she was not sick? When you get her down to Boston, before Dr. Shattuck, you find out the whole truth. You must judge whether, if she was sick, at that time, she was treated as you would have a child treated, or Mr. Pike would have treated a child of his own. In deliberating upon this whole case, you are to take all the evidence, having reference to the conduct of both the plaintiff and the defendants; and it is desirable, to avoid further litigation between the parties, that you should agree on a verdict of some kind. If you find that the justifications are made out, you will find for the defendants, but if you think they are not made out, you

will find for the plaintiff—but then the range of damages is very great and entirely with you—you can range from the smallest possible sum up to the ten thousand dollars. His honor expressed a hope that no juror would, at once, come to a conclusion not to give Mr. Pike a copper, because some unfavorable circumstances appeared against him in the evidence; and on the other hand, he hoped that no juror would retire with a fixed determination to give the highest damages, because the defendants had failed to prove everything they had alleged in the pleas in justification. On the contrary, he would recommend to the jury to deliberate together upon the whole matter, and with the single object of rendering strict justice to both parties.

The law in such a case as the present implies malice, but here there is no pretence of express malice, but then printers must be careful. The defendants are the publishers of a newspaper, and it is their duty to print whatever tends to the public good, if *true*, whether it relates to political or private persons. I do not agree with my friend Mr. Choate, that they ought to be at liberty to publish falsehood even about political men—the truth for me, and gentlemen I believe that you also prefer the truth, even in politics. The duty of printers is an exceedingly difficult one to perform, and they ought to be extremely cautious, but to rebut express malice, it is enough for them to show that they have used reasonable care. I consider the fact of the child's having been exposed, as being established. It could not have been from kindness, that they sent her into a cellar, after sitting in a cold chamber all day. There is no proof but what she had a sufficient supply of food—there appears to be no difficulty upon that point—the charge about the Indian meal and water is not made out.—It is well known to medical men, that because there is a great appetite, it does not follow that therefore there is health; and that great eating does not necessarily nourish, when the system is deranged. How far being so deeply diseased that food freely partaken of ceased to nourish, was to be “reduced to the lowest state of wretchedness,” the jury would consider.

If I were a juror, I should lay down some stakes to guide me in this case—there are some unquestionable facts in the case, that are not denied. It was unpleasant to remark upon the manner of witnesses, but the jury would remember one who testified that she thought the child was counterfeiting, and they would also recollect Dr. Jackson's answer when the question was particularly put to him.

It has been contended that the second publication was more libellous than the first—the jury will consider under what circumstances that article appeared, and give the defendant credit for what he did do—for his going to see the child before he published it. He is en-

titled to the benefit of this act of precaution. The question is asked, why the defendants do not put the child on the stand as a witness? That, gentlemen, is impossible: they cannot put on to the stand the child that Mr. Greene saw—low, emaciated, at the point of death. They can put on to the stand a lively, healthy child—not the child that Dr. Shattuck saw and described. The defendants rest their case on the weight of evidence arising from her then condition. She was free for the plaintiff to call; it is true, that he would not have been at liberty after calling her, to impeach her general character, but he might have contradicted her upon any particular fact. There are two circumstances in the case, gentlemen, that I cannot allude to with any degree of satisfaction—the assafoetida and the excrement:—with regard to the assafoetida, there may, perhaps, be different opinions, considering the situation in which the plaintiff was placed. As to the other, I can say nothing; but you must always bear in mind, that she was but a child.

The impartial design of giving the testimony in this remarkable cause, with considerable minuteness, having increased the size of the pamphlet much beyond our original expectations, has necessarily compelled the REPORTER to condense Judge PUTNAM's lucid and practical charge to the Jury, but he believes that the preceding outline embraces the material points enlarged upon by His Honor. The same explanation is due to the eminent counsel who were engaged in the cause, for the extremely brief sketches of their able arguments which are given in this Report.

The cause was committed to the Jury about half past eleven, and in an hour they sent notice to Judge Putnam, that they had agreed upon a verdict. At half past two, they came into Court and returned a verdict for the Plaintiff, giving ONE DOLLAR DAMAGES. The legal effect of this verdict throws the costs of Court on to the Plaintiff, with the exception of TWENTY-FIVE CENTS.

ESSEX COUNTY QUARTERLY COURT RECORDS RELATING
TO TOPSFIELD.

ABSTRACTED BY GEORGE FRANCIS DOW.

(Continued from Volume XXV, page 96.)

Daniell King v. Jno. Goold. Verdict for plaintiff, forfeiture of the bond. Court agreed to chancery the bond of 10li. to 7li.

Writ, dated 13:9:1672, signed by Hilliard Veren, for the court, and served by Henry Skerry, marshal of Salem.

Summons, dated 14:9:1672, signed by Hilliard Veren, for the court, and addressed to John Goold, constable of Topsfeild.

Daniell King's bill of cost, 1li. 15s. 6d.

Daniel King and John Gould, 25:1:1672, in behalf of James Carr, chose Major Hathorne to end all differences and agreed to stand to the arbitration. Wit: Wm. Hathorne and Rich. Walker. Owned in court by John Goold.

John How and Edmond Bridges testified that on July 6 they appraised for John Gould as many young cattle as they judged worth 7li. 4s. 7d., to be delivered to Danill Kinge, etc. Sworn in court.

Thomas Pharoh, aged about fifty-five years, and Ezekell Nedham, aged about twenty-eight years, deposed that they went to John Goold's house with Daniell King to demand the money which Major Hathorne had awarded, etc. Sworn in court.

James Care deposed that Mager Hathron awarded that he should serve King six or seven months for what the Mager found him indebted to King.

Wm. Hathorne's award, dated Salem, Apr. 6, 1672: that John Gold pay in behalf of James Carr to Daniel King within three months, 1li. 17s. 7d., which Carr took above his wage, also 3li. 15s. for absentsing himself from his master's service about three months, also 14s. in money for the charges of the house, and 18s. for King's charges in seeking for said servant.

Edman Brigges and John How deposed. Sworn in court.—*Nov. 26, 1672.**

*The date at the end of each paragraph or case is the date of the session of the Court.

Major Wm. Hathorne v. John Goold. Debt. Verdict for plaintiff. Writ, dated 13:9:1672, signed by Hilliard Veren, for the court, and served by Henery Skerry, marshal of Salem.

Summons, dated 14:9:1672, signed by Hilliard Veren, for the court.

Bond, dated 7:6:1672, from John Gould of Topsfeild to Major Hathorne of Salem, to be paid in bar iron at 20s. p C., and to be delivered at Mr. Browne's at Salem. Wit: Nathl. Mighell and John Appleton. Owned in court by John Goold.—*Nov. 26, 1672.*

Topsfield births, returned by John Redington, clerk:

John, s. Philip and Hana Weltch, Nov. 27, 1670.

James, s. John and Sarah Bredges, Jan. 3, 1670.

—, d. John and Dorkes Hovey, Feb. 20, 1670; d. Mar. 2, 1670-1.

Elesabeth, d. Thomas and Martha Andrews, June 16, 1671.

William and Ebenezer, sons John and Sarah Cumings, Aug. 5, 1671.

Susanah, d. Joseph and Phebe Towne, Dec. 24, 1671.

—, s. William and Hana Averell, Jan. 26, 1671.

Elizabeth, d. John and Dorkes Hovey, Jan. 18, 1671.

John, s. John and Phebe French, Aug. 26, 1671.

Mary, d. Isac and Mary Cumings, Feb. 16, 1671.

Mary, d. Samuel and Sarah Howlet, Feb. 17, 1671.

Joseph, s. Joseph and Bethiah Pabodye, Apr. 16, 1671.

Amose, s. Thomas and Judeth Dorman, Mar. 14, 1671-2.

Thomas, s. John and Dorytye Robison, Mar. 18, 1671-2.

Samuell, s. Isaac and Mary Estie, Mar. 25, 1671-2.

Topsfield marriage:

William Howlet and Mary Perkins, Oct. 27, 1671.—*Nov. 26, 1672.*

Births, marriages and deaths in Topsfeild in 1672, returned by John Redington, clerk:

Births, 1672:

Zacheas, s. John and Sarah Gould, Mar. 26, 1671-2.

Mary, d. William and Elisabeth Perkins, Apr. 4.

Samuell, s. William and Rebecah Smith, Apr. 6.

Elizabeth, d. James and Mary Waters, May 23.

Daved, s. Philip and Hana Weltch, Aug. 27.

Mary, d. John and Hana Pabodye, Apr. 6.

Elisabeth, d. John and Elisabeth Ramsdell, Oct. 4.

Thomas, s. William and Mary Howlet, Oct. 26.

Thomas, s. Michall and Mary Dwenell, Nov. 20.

Thomas, s. William and Hanah Averell, Dec. 9.

Jerimiah, s. Mr. Jeremiah and Elisabeth Hubert, Dec. 16.

Benjamin, s. John and Sara Cumings, Feb. 23.

Nathaniel, s. Robert and Mary Smith, Sept. 7.

Ame, d. John and Mary How, Mar. 6.

Samuell, s. Edmond and Mary Towne, Feb. 11.

Deaths, 1672 :

John Davice, Dec. 24.

William, s. John and Sarah Cumings, Mar. 30.

Marriage, 1672 :

Thomas Baker and Mrs. Presela Simonds, Mar. 26, 1671-2.—*Nov. 26, 1672.*

John How served on the jury of trials at court held in Ipswich, Mar. 25, 1673.

Ambrose Makefashion, partner with John Ramsdell, and by his order or attorney v. Henry Lennard. Debt. Verdict for plaintiff. Mr. Lenard desiring the court to consider the equity of his case, after the verdict of the jury against him, which the court heard, and they judged that the defendant had been very much damnified in respect of the measure of the loads of coals which by agreement should have been twelve quarters per load whereas it appeared by testimony that the coal cart would not hold above sixty-eight bushels. Court abated 20li. Defendant appealed to the next Court of Assistants, and was bound, with Ensigne Thomas Chandler and Anthony Carrell as sureties.

Writ, dated 11 : 1 : 1672, signed by John Redington, for the court, and served by John How, deputy marshal of Ipswich, by attachment of the coals that lie by the coalhouse at the works at Rowly Village.

Henry Leonard's bill of cost, 3li. 16s. 10d.

James Car deposed that on Mar. 22, Mr. Lennard desired him to go and see the coal cart measured and "it held 68 bushells one heapt & y^e other stroock & the cart was full up to the top further I being Employed by Ens. John Gould to Cart the Coles from Ambros Mackfation & John Ramsdell to y^e Iron worcks in Rowley villiag Mr. Leonard did speack to me to bid y^e said mackfation & John Ramsdell send in better loads & less brands or els knock ofe & Cole noe more sometimes the Cart was filled strick full & some times more & som times less then strick full & to y^e best of my Judgment I receiued the best loads when Robart Bates filed y^e Cart & when ther was not coles enuf to fill the cart at one pit Ambros would not fill it full becaus of the shacking of the cart in remoueing to another & when I saw y^t he did not fill the Cart I would bid him mend his hand he would say the cart was full enough & when he would put in noe more then I would driue away y^e Cart & seuerall times when y^e cart hath come to y^e works the cart hath been litell more then halfe full." Sworn in court.

Ambros Mackfation, Dr., by Mackam Macallam, 15li. 14s. 6 1-2d. ; by Robart Bates, 6li. 12s. ; 1 C. bar Iron to Daniell Black, 1li. 4s. ; 14 C. of bar Iron, 16li. 18s. 3d. ; by John Bridges, 1li. 5s. ; by severall

things he had himself & for other people, 10li. 7s. 2 1-2d. ; total, 62li. 1s.

Jno. Ramsdell, Dr., by Jno. Comins, 1 C. 2 qr. bar Iron, 1li. 16s. ; 10 C. 3 qr. bar Iron, 12li. 18s. ; by 1 C. 2 qr. 2li. bar Iron dd. Abraham Redington, 1li. 16s. 6d. ; 2 qr. bar iron, 14s. ; by severall partickulers, 8li. 18s. 1d. ; total, 26li. 2s. 7d.

James Hanscombe's receipt, dated 11:9:1672, to Jno. Ramsdell and Ambros Mackfation, for 478 loads of coals at 6s. per load.

William Doule, aged about thirty-two years, deposed that he heard Mr. Henry Lenard say about the time Mackfaston and Ramsdell were finishing the work in "colling the said Lenords wood: that the aforesaid colyers had coled all the wood that he the said Lenard had delivered them in this yer, it being some time in the eaight month, 1672." Sworn in court.

Agreement, dated May 17, 1672, between Henery (his mark) Lenard and Ambros Mackfation and John Ramsdell "to Cole all the old wood & the new y^t shall be cut & tacken in this yeare for & in consideration of the some of six shillings p^r load to be paid unto the said mackfation & Ramsdell by m^r Lenard and the said Ambros Mackfation & John Ramsdell doth ingaig them selue to mack good firme & substanchall Coles & to deliuer unto the said M^r Lenard at the pits good loads containing euery Load twelue quarters theire at the pits & their pay to be made in goods or bar Iron which they haue most need of & five pounds of the pay to be paid in barr Iron at money pric that is to say eighteen shillings p^r hundred & further the said m^r Lenard doth promise unto the said Mackfation & Ramsdell to prouide for them such goods or Iron as they shall stand in need of to pay worckmen to carri on the worck & for what shall be required when the coles are all sent in the said Mackfation & Ramsdell within three weecks after the last load of Coles is at the Cole house & the last of y^e wood to be deliuered unto y^e said mackfation & Ramsdell some time in June next insuing." Wit: Anthoney (his mark) Carrell and James Hanscombe.

William Doule, aged about thirty-two years, and John Everet, aged about twenty-six years, deposed that Mr. Henery Lenard was living at the Iron works in Rowly Villag and had ten cords of wood that lay in such a place that it could not be coaled, but he said he was to cart it to some more convenient place. He disappointed the wheeler by not carting it and had it carried home to burn. Sworn in court.

Robert Baites deposed that Mr. Leonard said it was a pretty honest load when said Ambross filled the cart, etc. Sworn in court.

John Putnam aged forty-four years deposed. Sworn in court.

Samuell Lenord and Nathanill Lenord deposed. Sworn in court.

Roburt Lord and James Hanscombe deposed that Henry Leonard asked them to go into the woods where Ramsdell had coaled the year before, and they found a great many brands at several pits, and at every pit some wood left. Also they saw several rancks of wood left standing that were not coaled and one piece of coals left, in all about a load of them. There may be half a cord of wood left at a pit and one whole pit left standing in the woods not set nor coaled. They judged there might be in all between thirty and forty cords. Sworn in court. Copy made by Robert Lord.

Robart Bats deposed that he worked on the carts seven weeks, etc. Sworn in court.

John Gould deposed that he was present when Mr. Leonard's clerk, James Hanscom, reckoned with Mackfashion, and there was due to the latter about 43li. Sworn in court.

Thomas Wenmar testified. Sworn in court.

Edmond Bridges deposed that Mackfation sold him a small part of a pit that he had coaled, about a load or two, for two quarts of cider. Sworn in court.

Edmond Bridges, jr., and John Gould deposed that Leonard said they had coaled all his wood except some that stood in water and some that was in rocks whence it could not be wheeled. Sworn in court.

Samuell and Nathaniell Leonard deposed. Sworn in court.

John How deposed. Sworn in court.

John Hanscombe deposed that Leonard complained that the loads were small, etc. Sworn in court.

John Everard deposed that Leonard said to bring in better loads with fewer brands. Sworn in court.—*Mar. 25, 1673.*

Anthony Carrell v. Thomas Baker. Review. Verdict for defendant.

Writ: Anthony Carrill v. Thomas Baker; review of a case tried at Ipswich court, concerning the title of land which Baker pretended he bought of Carrill, on the south side of Ipswich river; dated 20:1:1672-3; signed by John Redington, for the court; and served by John Hovey, constable of Topsfield.

Copy of the papers in a similar action in Sept., 1669, taken from Ipswich court records by Robert Lord, cleric.

Copy of deed, dated Jan. 26, 1663, from Anthony (his mark) Carroll of Topsfield, tailor, to Thomas Baker of Topsfield, husbandman, all right in the common belonging to the land which I bought of Zacheous Gould in Topsfield, on the south side of Ipswich river. Wit: John Perly and John Gould. Recorded Sept. 8, 1669, by Robert Lord, recorder.

Copy of the record of a town meeting, 14:10:1661, made 24:7:1669, by John Redington, clerk: "The names of the Commoners y^t shall share in it," Mr. Endecoate, Mr. Bradstreet, Mr. Perkins, Zacheas Gould, Mr. Baker, Thomas Dorman, Frances Pebody, Wille Evens, Daniell Clarke, Isack Cumings, sr., Isack Cumings, jr., Ensigne Howlet, William Smith, Frances Bates, John Wiles, John Redington, Tho. Perkins, Jacob Towne, Isack Estye, William Towne, Edmond Towne, Matthew Standly, Tho. Browning, Anthony Carell, John How, Edmond Bredges, Wille Nichols, Uselton's lot, Lumpkins farm, and Robert Andrews land.

"It is also ordered that all the Commonares in the towne shale haue a share In the Comon on the other side of the Riuer with the timber which is to be deuided according to the Rule as is here expressed namli all those which pay to the ministers Rate made in the yeare 1664 fifte shilings and upward shal haue on of the grater shars and all under fiftie shilings to twenti shall haue a midel share and all under twenti shilings on of the least shares Voted." Copy made from the town records of Topsfield, Mar. 20, 1672-3, by Frances Pabody.

Wm. Averill, collector of rates certified, Sept. 20, 1669, that on Nov. 12, 1664, Anthony Carrall was rated 11s. 1 1-2d. for the minister's rate. Copy made, Mar. 26, 1673, by Robert Lord, cleric.

Copy of deed, dated May 21, 1663, Anthony (his mark) Carrell of Topsfeld and wife Katerane, in consideration of ten acres in Ipswich lying near the river commonly called Egept river, with house and barn, to Luke Waklinge of Topsfeld, 20 acres in Topsfield, bounded on the southwest upon land of Francis Battes, northwest upon a swamp, northeast upon Topsfeld common, southeast by a highway, reserving that part of common belonging to this land. "but before the sineng and sealle it was parsaiued that that was halfe the madow wish was bought of goodman Gould ometed the saied Antony saling it with the other land to luke wakling." Wit: Philip Nellson and Robert (his mark) Smeth. Copy made by John How.

John Gould deposed that he was one of the men appointed to lay out the land on the south side of Ipswich river, and they laid out to every man as was ordered in the town book according to the house lots and the grant of the town in 1661. They did not know of any land that was granted to John Juat by Topsfeild. Lt. Pebody testified to the same. Sworn in court.

Sarah Gould testified that Antony Carell was at their house discoursing about the land and said that he would never hinder Thomas Baker from his share for he paid dear enough for it. Sworn in court.

John How testified that Goodman Comins desired that there might be a share laid out to his son John Juet's lot, and it was denied him. Sworn in court.

William Smith deposed that Anthony Carrell told him that he had sold all his right to Thomas Baker for 30s. and that the lot layers might do what they would, he had nothing to do with that, and he advised deponent to sell his share, for, he said, deponent had better get a little than nothing, for he was confident that it would never be divided. Sworn in court.

John Baker, jr., deposed that he heard his brother Thomas demand the lot and Carrell refused to deliver it. Sworn in court.

Abraham Redington, aged fifty-eight years, deposed that at a lawful town meeting at Topsfield, there being some agitation about common land, they agreed to establish the common land upon the present inhabitants and thereupon recorded it. No man objected to it but Goodman Dorman, who said "shal that poore man goodman Carreell Com to you Cape in hand for coman. And therer was none granted to that land." Sworn in court.

John Cummings, aged forty years, deposed. Sworn in court.

Daniell Blacke deposed that being an inhabitant of Topsfeild in the year 1661, etc. Sworn in court.

John Willes testified that he was one of those appointed to lay out the land and they laid out a share for Antony Carell by virtue of living in the house that he had sold to Luke Wakle, which he bought of old Goodman Gould, etc. Sworn in court.

Isaacke Cumings, aged seventy-two years, deposed. Sworn in court.

John How testified that the land that Lucke Waklen now lives upon is the land, etc. Sworn in court.

Evan Morris deposed that there was no house upon that land which Anthony Carrill bought of Zecheos Gold, when said Carrill bought the lot where Luk Waklin lives.

John How deposed that the lots given on the south side of the river were denied to some who had not improved their lands at that time. Sworn in court.—*Mar. 25, 1673.*

John Wild acknowledged judgment to Mr. Francis Wainwright, to be paid in wheat, barley, pork or bar iron at 20s. per hundred.

Sarah Warr declared that she had put her son Josiah to Ens. John Gould until he came to the age of twenty-one, and the court approved of it.

Evan Morice was released from training, paying 3s. yearly to the use of the company, if the company of Topsfield required it.

The town of Topsfield was fined for not providing a stock of pow-

der and bullets, and was ordered to provide it within a month upon penalty of 5li.

Ens. John Gould had his license renewed for a year.

There being a fine of 5li. set by this court upon the town of Topsfield for not providing a stock of powder and ammunition, court ordered that said town pay 50s. to Ens. Jo. Gould for his loss by the escape of a prisoner that broke prison at Salem.—*Mar. 25, 1673.*

Will of John Davis, dated May 16, 1672, proved Mar. 25, 1673, in Ipswich court, upon oath of the witnesses, Evan Morris and Francis Pabody, the latter afterward renouncing his executorship: to Mary How of Salem, 5li.; to Jacob Townes' lame child, 5li.; Samuelt Howlett, 4li.; to his dame Clarke, 10li.; Luke Wakling, 20s.; Martha Clarke, his master's daughter, 20s.; to his master's daughter, Wm. Perkins' wife, 5li.; to John Robinson's wife, 20s.; executors, his master Daniell Clarke and Frances Pabody. He owed Mr. Batter of Salem, Mr. Newman of Wenham, Goodwife Mole, old Mr. Gardner of Salem, Daniell Borman, old Mr. Baker of Ipswich, Quartermaster Perkins, and for rates to the town. Debts due him from John French, Robert Smith, Michael Bouden and Jacob Towne of Topsfield. [Original on file in the Registry of Probate.]

Inventory of the estate of John Davis, taken by Jo. Gould and John How, 26li. 11s. 2d. Debts owing for ten months' diet and burial, to Mr. Rogers and Goodwife Pabody. [Original on file in the Registry of Probate.]—*Apr. 16, 1673.*

Mr. Wm. Browne, sr. v. Hen. Leonard. Debt. Withdrawn.

Writ, dated June 5, 1673, signed by Hilliard Veren, for the court, and served by Henry Skerry, marshal of Salem, by attachment of defendant's interest in the Iron works at Topsfield.—*June 24, 1673.*

Anthony Carrell v. Hen. Leonard. Debt. Verdict for plaintiff, damage in bar iron.

Anthony Carrell was allowed a bill of costs against Hen. Leonard.

Writ, dated May 15, 1673, signed by Robert Lord, for the court, and served by Robert Lord, marshal of Ipswich.

Summons, dated June 19, 1673, for appearance of Anthony Carrell to answer the complaint of Henry Leonard, for refusing to give possession of land, according to lease.

Bond, dated 22:3:1672, given by Henry (his mark) Lenard of Bromigum forge in the county of Essex to Anthoney Carrell of Essex county, for 13li. to be paid in bar iron at 24s. per hundred. Wit: Thomas Lenard and James Hanscombe.

Reckoned 17:1:1672-3, with Anthoney Carrell, and there was due to Henry Leonard, 3li. 4s. 6d.; by 1 C. 19li. bar Iron dd. at Ipswidg, 1li. 8s. 3d.; by a qr. of bar Iron dd. to Abraham Redington by Carrell's order, 6s.; total, 4li. 18s. 9d. Sworn in court.

Anthony Carrall's bill of cost, 16s. 6d.

James Hanscombe deposed. Sworn in court.

Antony Carell's bill of cost, 1li. 8s.—*June 24, 1673.*

Edmond Bridges v. Hen. Leonard. Breach of covenant. Withdrawn.

Writ: Edmond Bridges v. Henry Leonard; non-performance of an agreement to deliver two tons of anchor iron; dated June 18, 1673; signed by Robert Lord, for the court; and served by Joseph Leigh, deputy marshal of Ipswich, by attachment of a parcel of bricks and all his interest in the Iron works.—*June 24, 1673.*

Sergt. Joseph Bigsby v. Thomas Baker, clerk of the Iron works. Debt. Withdrawn.

Writ, dated 18:4:1673, signed by John Redington, for the court, and served by John How, deputy marshal of Ipswich—*June 24, 1673.*

Edmond Bridges v. Hen. Leonard. Non-performance of agreement to supply said Bridges with iron and coal. Withdrawn.

Writ: Edmond Bridges v. Hennary Lenard; for not supplying said Bridges with iron, coal, steel and goods and provisions for his family; dated 18:4:1673; signed by John Redington, for the court; and served by Joseph Leigh, deputy marshal of Ipswich, by attachment of a parcel of pots and rails and the goods in the house in which he dwells.—*June 24, 1673.*

Hen. Leonard v. Ambross Makefashion and John Ramsdell. Non-performance of covenant. Verdict for plaintiff.

Hen. Leonard v. Edmond Bridges, jr. Debt. Withdrawn.

Writ, dated 16:4:1673, signed by Hilliard Veren, for the court, and served by Nathaniell Ball, constable of Concord.

Account of damage sustained in not coaling the wood the past summer for Mr. Henrie Leonard, according to covenant: for 20 Load of Brands sent in amongst Coles, 6li.; cutting of wood that is not coled, 3li. 10s.; wood at ye stump at 4d. per cord, 11s. 1d.; brands left in the woods which would have made a load of Coles, 2li. 8s.; for a month's rent that I was forced to lie still for want of the coles, 16li.; for 3 hands lieing still 4 weeks at 2s. 6d. per day, 9li.; 3 hands lieing still 4 weeks at 3s. per day, 10li. 16s; my owne time a month at 5s. per day, 6li.

Agreement, dated May 7, 1672, between Mr. Henry Lenard on one part and Ambros (his mark) Mackfation and John (his mark) Ramsdell, on the other part, the two latter agreeing to coal all the old wood and the new that shall be cut and taken in this year, for 6s. per load, each load to contain 12 quarters at the pits, to be paid in goods or bar iron, whichever they need the most, and five pounds to be paid in bar iron at money price, that is, 18s. per hundred. Said

Lenard agreed to provide for them such goods as they shall stand in need of to pay workmen to carry on the work, and to pay the whole within three weeks after the last load of coals is at the coal house, and the last of the wood to be delivered to Mackfation and Ramsdell some time in June next. Wit: Anthoney (his mark) Carrell and James Hanscombe. Owned in court by Ambros Mackfation.

Copy of the foregoing agreement signed by Henry (his mark) Leonard, made by Robert Lord, cleric.

William Doule, aged about thirty-two years, deposed that he heard Henry Leonard say that the colliers had coaled all the wood, etc. Sworn in court.

James Car deposed. Sworn in court.

Samuell and Nathaniell Leonard deposed that Mackfation and Ramsdell left of the old and new wood about thirty or forty cords, etc. Sworn in court.

Henry Lenard's bill of cost, 4li. 6d.—*June 24, 1673.*

Philip Cromwell v. Hen. Leonard. Debt. Withdrawn.

Ed. Bridges, sr. and Ed. Bridges acknowledged judgment to Adam Westgate, to be paid in beef, pork, wheat, malt and Indian corn.

Hen. Leonard, sr., acknowledged judgment to Mr. Robt. Paine in bar iron.

Hen. Leonard, sr., acknowledged judgment to Mr. William Browne, sr., in bar iron and money.

Hen. Leonard acknowledged judgment to Jno. Goold in bar iron.

Hen. Leonard acknowledged judgment to the Worshipful Major Daniell Denison, in bar iron.

Johana Towne was appointed administratrix of the estate of Wm. Towne, her late husband, and was to bring in an inventory to the next Ipswich court.—*June 24, 1673.*

Presentment from Salem: Lewis Hews, for profaning the Lord's day in going about to demand debts in April last upon the Lord's day at Topsfeild. Wit: Zacheus Curtes and Jno. Curtis.

Lewis Hewes, for profaning the Lord's day by demanding debts, was fined, fees to be paid to the constables of Topsfeild and Salem.

John Courties and Zachariah Courties, aged about twenty-four and twenty-two years, testified that on one Sabbath day in April, 1673, Lues Hews came to their father's house to demand a debt of their brother Zacheus, but they told him he was not at home. Said Hews was troubled because he had come so far to speak with him, but he later said he had come on other business also. Then he asked for Daniell Blak and where he lived. Then they asked Hues to go with them to Topsfeild to meeting but he refused, saying that he would get back in time to go to Salem Farms to meeting in the afternoon.

He further bade them to tell their brother that if he did not bring down the pay within a week, he would be forced to send the marshal, for he was in fear of being sued, or if he would come to Salam and appoint John Gills to pay the money he owed to Zacheus to said Hues, he would be willing to allow five shillings per pound. "then he tould us y^t our sayd John gills was to driue a pair of oxen to mr. brodstrets but he was badly mistaken for John gills did not care though y^e oxen could but ris alone at may day for ther our father was to fetch them: further he tould us y^t mr endecot bid him to tell our brother y^t if he did not bring away y^e rent y^t was behind he wold spedely send y^e marshal." Sworn in Major Hathorne's court, 2:7:1673, and attested by Hilliard Veren, cleric.—*June 24, 1673.*

Presentment from Wenham: John Morell of Topsfeeld, for being so far gone in drink that he could not keep the way, but tumbled like a beast. Wit: Henry Kemble and James Moulton, jr.

John Morrall, for being drunk, was fined.

Henry Kemball and Jams Moulten, jr., testified that they saw John Morall so far gone with drink that he could not keep the way but tumbled about like a beast. Sworn, 1:7:1773, in court.—*June 24, 1673.*

Writ: Henry Leonard v. Anthony Carrell; for refusing to give possession of a parcel of land and meadow bought of said Carrell for the term of eleven years, as may appear by a lease or deed under said Carrell's hand; dated June 19, 1673; signed by Robert Lord, for the court; and served by Theophilus Wilson, constable of Ipswich.

Writ: Mr. Robert Paine v. Henry Leonard; debt, in bar iron; dated June 18, 1673; signed by Robert Lord, for the court; and served by Joseph Leigh, deputy for Robert Lord, marshal of Ipswich, by attachment of Leonard's interest in the Iron works, the house he lives in, and his right in a frame standing by the works.

Writ: Thomas Newell v. Henry Leonard; debt; for not delivering 8li. in bar iron at Salem, according to agreement, dated June 18, 1673; signed by Robert Lord, for the court; and served by Joseph Leigh, marshal's deputy.

Writ: Major Genrll. Daniell Denison v. Henry Leonard; debt; in bar iron, due for his part of the rent of the Iron works and arrears of rent; dated June 17, 1673; signed by Robert Lord, for the court; and served by John Gould, deputy for Robert Lord, marshal of Ipswich, who left the summons with said Leonard's wife.

Writ: Henrie Leonard v. Edmond Bridges, jr.; debt; dated 13:4:1673; signed by John Redington, for the court; and served by John How, deputy marshal, by attachment of land of defendant. "the

Reson I cal it Edmon Brigis land is be caus ded and bill is giuen : but pososhon and axnoligment is not given : and I knue not where to find any other estat. this I call his but I leue the honered Court to Jug."

Writ : Deacon Wm. Goodhue v. Henry Leonard; debt; dated June 18, 1673; signed by Robert Lord, for the court; and served by Edmond Bridges, deputy for Robert Lord, marshal of Ipswich, by attachment of a parcel of bricks, etc.

Writ : Ens. John Gould v. Henry Leonard; trespass; for harm done by his horses in corn and orchard; dated June 17, 1673; signed by Robert Lord, for the court; and served by John How, marshal's deputy, by attachment of two chests and their contents, who read the attachment to Leonard's wife and left a summons with his son.

Writ : Ens. John Gould, assignee of Anthony Carrell v. Henry Leonard; debt, in bar iron; dated June 17, 1673; signed by Robert Lord, for the court; and served by John How, marshal's deputy.—*June 24, 1673.*

John Redington served on the grand jury and Ens. John Gould on the jury of trials at the court held at Ipswich, Sept. 30, 1673.

Ambrose Mackfation v. Henry Lenard. Review of a case tried at Salem. Verdict for plaintiff, reversal of the former judgment.

Writ : Ambrose Mackfashion and John Ramsdell v. Henry Leonard; review; dated Sept. 24, 1673; signed by Robert Lord, for the court; and served by Robert Lord, marshal of Salem.

Copy of papers in this action brought, 24:4:1673, in Salem court.

Tho. Looke and Tho. Towers testified that they received of Samuell Leonord and James Hanscomb by Henry Leanord's order, forty cord of wood cut by Daniell Black for Mr. Leonard's use, which wood they had made into coal, and delivered to said Leanord. Sworn in court.

Tho. Looke and James Carr testified that the cart which brought the collier's brands, evidenced at Salem court, was the same in which they carry mine and will not hold above the fourth part of a load for four oxen. Sworn in court.—*Sept. 30, 1673.*

Ambrose Mackfation v. Henry Lenard. Withdrawn.

Writ : Ambrose Mackfastion v. Henry Leonard; debt; dated Sept. 22, 1673, signed by Robert Lord, for the court; and served by Robert Lord, marshal of Ipswich.

John Bregges and John How deposed that they heard Mr. Lenord say that he and Makfasan had settled accounts, etc. Sworn in court.—*Sept. 30, 1673.*

Daniell Black v. Henry Leonard. Debt. Verdict for plaintiff.

Writ, dated Sept. 23, 1673, signed by Robert Lord, for the court, and served by John Gould, deputy for Robert Lord, marshal of Ipswich, who read the attachment to Lenard's son Samuel.—*Sept. 30, 1673.*

Daniell Clarke was fined.

Execution, dated Mar. 20, 1672-3, against John Goold, to satisfy judgment granted Maj. William Hathorne, at Salem court, 26:9:1672, to be paid in bar iron at 20 shillings per C. at Mr. William Browne, sr.'s in Salem; signed by Hilliard Veren, for the court, and served by John Williams, deputy marshal.

Execution, dated Mar. 5, 1673-4, against Henry Leonard, sr., to satisfy judgment granted Mr. William Browne, sr., at Salem court, 24:4:1673; signed by Hilliard Veren, for the court; and served by Henry Skerry, marshal of Salem, by attachment of said Leonard's eighth of the iron works at Topsfeild, which was delivered to Nathaniel Mihill, said Browne's agent, by turf and twig.

Execution, dated 25:12:1673, against Henry Leonard, to satisfy judgment granted Mr. Robert Paine, sr., at Salem court, 24:4:1673; signed by Hilliard Veren, for the court; and served by Henry Skerry, marshal, by attachment of said Leonard's share in the iron works at Rowley Village, which was delivered to Mr. Robert Paine, jr., for the use of his father, by turf and twig, and by a piece of the houses, for them.

Execution, dated 19:5:1673, against Henry Leonard, sr., to satisfy judgment granted Mr. William Browne, sr., by Worshipfull Major Daniell Denison, Mr. Thomas Danforth and Hilliard Veren, cleric, 24:4:1673, to be paid in bar iron at 18 shillings per C.; signed by Hilliard Veren, cleric; and served by Henry Skerry, marshal of Salem. William Curties, Mr. Browne's agent, took a bill of Samuel Lenard who offered the iron works as security.—*Nov. 25, 1673.*

Thomas Baker served on the jury of trials at the court held in Ipswich, Mar. 31, 1674.

George White v. Ens. John Gould. Debt. Verdict for plaintiff.

Major Genrll. Denison v. Henry Lenard. Verdict for plaintiff. Damages in bar iron.

Writ: Major Daniel Denison v. Henry Leonard; debt of 12li. 10s. in bar iron at 24s. p C. or 1,000li. and 50 pounds of good bar iron, due for rent of a sixteenth part of the Iron works at Rowley village; dated Feb. 9, 1673; signed by Robert Lord, for the court; and served by Robert Lord, marshal of Ipswich, by attachment of a cubbard, chest and trunk and part of his share of the iron works.

Major Genrll. Denison's bill of cost, 1li. 2s. 2d.

John Saford and John Gould deposed that Major Generall Denison had one-sixteenth part of the Iron works at or near Topsfeild, which

amounted to 6li. 8s. for every half year's rent in bar iron. Sworn in court.—*Mar. 31, 1674.*

Deacon Thomas Knowlton v. Henry Lenard. Debt. Verdict for plaintiff.

Writ, dated Feb. 19, 1673, signed by Robert Lord, for the court, and served by Robert Lord, marshal of Ipswich.

Abraham Knoulton deposed that he heard his uncle Knoulton and Mr. Lennard make up their accounts and there were about nine pounds due his uncle. Mr. Lennard received at the same time several pair of shoes. Sworn in court.

Edmond Bridges deposed that Mr. Lenard promised to pay Thomas Knowlton for what shoes he had of him every half year in iron, barley or hides. Sworn in court.—*Mar. 31, 1674.*

Thomas Bishop v. Ens. John Gould and John Newmarsh. Debt. Verdict for plaintiff. Appealed to the next Court of Assistants. Ens. John Gould and John Newmarsh bound, with Symon Tuttle and John How, as sureties.

Samuell Lenard v. Robert Lord, marshal. Withdrawn.

Ens. John Gould v. Henry Lenard. Forfeiture of a bond. Verdict for plaintiff. Court moderated the bond from 20li. to 5li.

Ens. John Gould v. Henry Lenard. Nonsuited.

Mr. John Ruck v. Henry Lenard. Verdict for plaintiff, in bar iron.

In the case of John Gould in his action of account between said Gould and Henry Lenard, with the consent of the parties, court appointed Mr. Ezekiel Rogers and John Wainwright to audit the accounts, and where it is not clear to signify to the next session of this court, to be then determined.

Samuell Lenard summoning Ens. John Gould to appear at this court to answer an action of replevin, and not prosecuting, said Gould was allowed costs.

Topsfield births and deaths for 1673, returned by John Redington, clerk:

Births:

Daniell, son of Thomas and Judeth Dorman, [July] 27.

Sarah, daughter of John and Sarah Kimball, Sept. 19, [1669].

Mary, daughter of John and Sara Kimbale, Jan. 15, [1671].

Richard, son of John and Sarah Kimbale, Sept. 28, 167[3].

John, son of Daniell and Faith Blacke, July 28, 1672.

Martha, daughter of Tho. and Martha Andrews, Dec. 25, 1673.

John, son of John and Dorithie Robison, Jan. 16, 1673.

Joseph, son of Joseph and Phebe Towne, Mar. 22, 1673-4.

Deaths:

Daniell, son of Thos. and Judeth Dorman, [Aug.] 10.

Sarah, daughter of Robert and Mary Smith, [Aug.] 28.—*Mar. 31, 1674.*

Daniell Clarke was licensed to keep an ordinary for one year.—*May 5, 1674.*

Nathaniell Leonard v. Hana Downing. Defamation. Withdrawn.

Writ, dated, 24 : 4 : 1674, signed by John Redington, for the court, and served by John How, constable's deputy.

Nathanil Lenard deposed that Hana Downing was prejudiced against him and upon his telling her to attend to her duty, as she was their servant and they gave her meat, drink and lodging, and she not obeying, deponent gave her a box on the ear. She then reported stories about him concerning false swearing and uncleanness, which if the former be true, would prevent him from forever giving testimony in any case, and if the latter were true, "I being a singell man my fortten would be leueled with her owne which we trust shall proue is very mene."—*June 30, 1674.*

Samll. Leonard v. Hana Downing. Defamation. Withdrawn.

Writ : Samuell Leonard v. Hanah Downing; for saying that he attempted uncleanness with her and with Elesabeth Looke; dated 24 : 4 : 1674; signed by John Redington, for the court; and served by John How, constable's deputy.—*June 30, 1674.*

Complaint being made against Nathll., Samll., and Tho. Leonard by Hanna Downing for several misdemeanors and lascivious carriages proved against them, but several of the charges having been proved several years since, court sentenced them to be whipped or pay a fine. They were also bound to good behavior.

Warrant, dated June 16, 1674, signed by Samuel Symonds, Dep. Govr. Robert Lord, marshal, appointed Symon Stace, his deputy to serve it.

Bill of cost of Robert Lord, 1li. 5s.

Hannah (her mark) Downing's complaint : that the Lenords had on many occasions annoyed her when she was in bed, kicked her and struck her several times until she thought they would kill her. She told their father and mother and they would not believe it, and complainant was "afraid that thay would kille mee if the athoriaty dos not take some corse with them." Said Hanna gave bond to Samuel Symonds, Dep. Govr., to prosecute.

Samuel and Thomas Leonard were also bound, with Thomas Baker as surety.

Bill of cost, 5li. 4s. 2d.

Jno. Hounkin deposed that he living at the house of Henery Linnard the last winter, never saw any miscarriage by Samuell nor Thomas Linnard toward Hannah Downinge, but that she went abroad

at unseasonable times in the night and did not come home until it was almost day. Also at sundry times she used to sit up almost all night with fellows who came to the house. He told of her unbecoming conduct with Benjamin Bigsbee and of her lying upon the boy's beds so that they had to get her up to go to bed. Further that her dame took great care to prevent sin and that she often arose in the night to chide said Hannah for her carriages. Samuell Linnard also chided her and told her that he marvelled that any man would want her. Once when reprimanded, she went away and said she had been with Joseph Biggsbee all day. Jno. Tarball and James Caddy testified to the same.

Samuell Lenard's answer to the complaint: that it was made out of malice and not conscience and "I thank god Shee neuer had any Cause from me as Shee herselfe well knowes;" that she had been a person of very scandalous carriage; that he had told her often of the evil of her night-walking; that his carriage to her was always very austere; that to save herself she made this false complaint, etc.

Sarah Bates deposed that she saw the Leonards abuse said Hannah and pull off her head-cloth, etc. Sworn, June 23, 1674, before Samuel Symonds, Dep. Govr.

Elizabeth Looker deposed that Thomas Lenard came to the bedside where she and Hannah lodged, and the latter cried out to her master who told her that she belied his son, "it is David Inden or sombody else." Sworn, June 23, 1674, before Samuel Symonds, Dep. Govr.

John Gould deposed that he saw Samuel and Nathaniel Lenord come naked upon the dam, and when Goodwife Blake came over the dam, said Samuel spoke and acted indecently, etc. Sworn in court.

Macam Douneing deposed that he came to Leonard's to see his daughter when her master and dame were not at home. At night Samuel lodged in the bed which his father occupied, and deponent sat up to smoke. He later heard Samuel in the girl's room and went and told him "I did not like such doing: and so I lodged in yt bed my salfe and Samuell lodged in ye Chamber." Sworn, June 23, 1674, before Samuel Symonds, Dep. Govr.

Mary Leonard, aged about forty-nine years, deposed that this spring "a little before Election I went downe to Lynn & had with mee my son Thomas & Hannah Downing & was late & benighted & would haue turned Inn by ye way vnto the house of one Welman: & this Hannah would not be perswaded to stay, but would goe on thorow the woods in ye night whateuer I could say of the trouble of ye way & tearing clothes but would go with my Sonn Thomas which if hee had offred her such abuse as she speaks off was a very bold attempt: but shee would not bee perswaded so I was forced to goe

on a most uncomfortable Journey vntill midnight, but as for my son Thomas, he desired not to goe but was willing I should turn Inn to a house & stay & hee would stay with mee."

Samuel Symons deposed that "I being at Mr. Leonord's hous with Ed. Bridges when Doctter Tayler was there wee see Docter Tayler and m^r Lenord and m^{rs}: Lenord and a litel gerele goe all togather up towards y^e Long plaine and about halfe a nouer after y^e sd Deponit went vp that way towerds y^e vilige and hee did mete m^r Lenord and his garle at y^e hether end of y^e plaine a Coming home all alone them tow: I seeing them goe all to gather and mete none but them tow Coming home: I did wonder and y^e plaine being easely seen all ouer I did Looke to see and if I could see Doctter Tayler and m^{rs} Lenord but I Could not see them. Sworn in court.

Elizabeth Symons deposed concerning what Elizabeth Looke said about her own condition, when she lived with John Curtis and Mr. Lenord. Deponent also testified that Samuell Lenord came to her house and asked her for some beer and she went into the cellar to draw some beer for him. He followed her and tried to kiss her, and she said "there is maides a noufe for y^u to kiss and not to Come to kise married woeman," and then he struck her a blow on the small of her back, "and when I came up I sayd surely Samuell Leonard is fuddled." Sworn in court.

Grace Andras, aged about sixty years, deposed that Elesibeth Bounckir being at her house in bed with deponent's daughter Sary, Thomas Linnard came there and annoyed them all night, so that they could not sleep. Sworn in court.

John Tarbell and James Cady deposed that they witnessed improper carriages between Hanah Downen and John Everat at Ensign John Gould's house, etc.

Sarah Bixby deposed that Henery Leonard and his wife, being at her house, said that Hannah Downing was a good maid and would make a poor man a good wife, for she could spin woolen, cotten and linen and could sew very well. Further that said Hannah's friends were ignorant people, but they hoped she had more knowledge, having been brought up in their family.

Goody Bates, wife of Robert, deposed concerning what happened when Elisabeth Look was at the latter's brother Cortises, etc. Sworn in court.

John How, aged about thirty years, deposed that Goody Lenard said that Mr. Tailer came to her house and she went with him into the woods to look for Solomon seal. Also that said Tailer lodged one night at their house and laid in the bed in the parlor, and she laid in the trundle bed and her husband in the chamber, etc. Sworn in court.

Hanah Pabody, aged about thirty years, deposed that Sammuel Lennard and two others of the family came to her house as they went by to dig mine and spent much of the day there. Samuella took her child out of her arms by force and laid it in the cradle, etc. Then she said to her little boys, "ware is your father?" and said Samuella let her alone. Sworn in court.

Faith Blacke, aged twenty-nine years, deposed that Thomas Lenord came to her house, into the room where she was, shut the door, drew out the latch string, and behaved very uncivilly until her children came to the door and interfered. Sworn in court.

Robert Bates and Sarah, his wife, who had lived in the house at the iron works with Mr. Leonard the past winter and until very lately, etc. Sworn in court.

Robert Androus, aged about twenty-five years, deposed that he was at the iron works with others at Rowley Village and they went into the water in the pond. Then Mr. Tailer and Mistriss Lenord came down to the side of the pond and sat down. The Lenords came out the water naked and ran races, etc.

Faith Black deposed that Nathaniel Leonard said he went to Benj. Murries and the old devil was at home, and when deponent spoke to him for talking so vilely, he said he would not care if he were in hell a fortnight, and he did not care if the devil plucked the soul out of him, and a pox take him, he did not care. Sworn in court.

Mary Leonard, aged about forty-nine years, deposed that they were very lying girls, etc.

Edmond Bridges, aged about thirty-nine years, deposed that about three years since, Mr. Taylor, apothecary, and Henry Lennord and wife Mary went into the woods to gather Solomon seal, etc. Sworn in court.

Joseph Bexby, aged fifty-four years, deposed that he was in Lenord's house in the early morning when Mrs. Lenord was dressing and there were several men in the room. Also that he had seen her sitting by the flume or pond-side when her sons and other men were swimming and washing themselves and some of the men who were more modest than the rest were forced to creep up into the bushes and others put on their shirts in the water, letting them fall down by degrees as they came out. The Lennord's had "used very bad words, as Diuell & Damn yee & many words which I haue been ashamed to heare; which wicked Expressions haue been very Free-quent wth them." Sworn in court.

Mary Leonard deposed that Edward Bridges came to the works after Hannah Downing had complained and advised them to go away, draw out the iron and dispose of it, for he said "they would

neuer leaue vs till they had vtterly Routed vs." Some of the family said they would not stir for they had done nothing for which they should hide, but deponent said she was sorry that her husband was gone. Bridges further said that he never fancied Hannah Downing, and she was a bold, bawdy-spoken thing.

Zacheas Courties testified.

Thomas and Henry Leonard testified that they found Benjamin Bigesby and Hanah Downen in the forge, etc. Sworn in court.—*June 30, 1674.*

Mary Leonard, the mother, for several uncivil carriages, was admonished. Bill of cost brought in by Ensign Goold, Ed. Bridges and Marshal Lord was allowed.

Daniell Bexbey deposed that he had several times heard Goody Lenard use bad language and sing indecent songs, etc. Sworn, July 2, 1674, before Daniel Denison.—*June 30, 1674.*

Goodman Boreman of Topsfeild was released from common training.

Nathaniell Leonard, for abusing the marshal in the execution of his office and striking him, was fined and bound to good behavior. Nathaniell Leonard and Ensign John Goold bound.

Sarah Bates deposed that when the Marshal Lord was at the works to take execution and so serve a warrant upon Samuel, Nathaniell, Thomas and John Lenord under hand of the Right Worshipful Mr. Symons, Dep. Gov., John Lenord was in the house hidden all the time. Jeremiah Hood affirmed that said John was in the house when the marshal got upon his horse at the house to come away and he saw said John come out of the chamber. Sworn, June 23, 1674, before Samuel Symonds, Dep. Govr.

Bill of cost, 13s.

Warrant, dated Apr. 28, 1674, signed by Samuel Symonds, Dep. Gov.—*June 30, 1674.*

John Redington served on the grand jury and Ephraim Dorman on the jury of trials at the court held at Ipswich, Sept. 29, 1674.

Nathaniell Putman, in behalf of the owners of the Iron works at Rowly Village v. Ens. John Gould, Thomas Baker and Nathaniell Lenard. Trespass. Verdict for plaintiff. Appealed to the next Court of Assistants. Said Gould and Baker bound with John Baker and Joseph Saffourd, as sureties.

Evan Moris, aged about sixty-six years, deposed that he was at the works the evening before they were burned, and when Nathaniell Lenard left work, deponent never saw so much care taken to put out the fire as was that night, "thou I had ben a retayner to the workes 3 months bed and bord." Sworn in court.

Elisabeth Blichman and Jeremiah Hoode deposed that Nathaniel Lenord came into their house one Lord's day at night after said Elizabeth's master Gould was in bed and "did aske my master and if hee should blow and worke at ye worke my master made him this anser that hee Could not giue him power to worke without his Brother Thomas Baker was there or his Brother Androus and desiered ye ^{sd} Nathaniel Lenord to goe to one of them or both before hee blowed : and my master told him what they did Consent to hee would : but he would doe nothing by way of incoriging him without them." Sworn in court.

Simon Bradstreet, Daniel Denison and John Putnam certified that "Whereas we haue on the behalfe of the owners of the iron works this 6th of April 1674 reentred upon the iron works giueing libertie to m^{rs} Leonard for a weeke or fortnight to remoue her goods out of the house and haue since that made an agreement wth Sam^{ll} Leonard by Nath^{ll} Leonard to worke at the iron works for the making of iron wee doe heereby empower Ensigne John Gould or Thomas Baker Tho. Andrewes or either of them (that in case the ^{sd} Samuel & Nathaniel shal not w^{thin} this fortnight putt the works into repaire according to agreement made wth them) to putt the ^{sd} m^{rs} Leonard out of possession out of the said house & to remoue her goods, and in case the ^{sd} Samuel & Nathaniel doe performe as aforesd then they the ^{sd} m^r Baker & M^r Gould to take possession of one of the lower rooms in the dwelling house for the entertainment of another workman And doe further empower them to make prouision of wood coal & myne for the carrying on of the worke & supply of the workmen for that end. we doe also empower them to receiue all the iron that shall be made & therewth to pay all workmen & to returne the remainder to the several owners.—*Sept. 29, 1674.*

Samuell Simonds v. Robert Ames. Replevin of a steer. Verdict for plaintiff.

Writ of replevin, dated Nov. 18, 1674, for a steer of Samuel Simons now detained by Robert Aimes, signed by Thomas Leaver, clerk, and served by Jeremiah Elsworth, constable of Rowley. Samuell Simon's bill of cost, 3li. 8d.

Robard Andors, aged about twenty-eight years, deposed that Edman Bredges hired him to carry a parcel of corn and a cupboard to Salem for him in the middle of September last and deponent asked him if the cupboard were made. Bridges said it was and that he had already paid Sammuel Simons for it in a good pied steer which was at John Commens's. Further that deponent brought the cupboard to Salem. Sworn, Nov. 24, 1674, before Samuel Symonds, Dep. Gov.

Zacheus Courties testified. Sworn in court.

Moses Tiller deposed. Sworn in court.

William Smith, aged about forty years, deposed that Goody Bridges asked her husband how he paid for the ox and said she hoped he had not put away the steer he sold to Samuell Simonds. Her husband said that it was the steer he bought of John Letillaell, which was at John Cominses house and that said Simons was to pay for him in "joynery work." Sworn, Nov. 23, 1674, before Daniel Denison.

John Pabody, aged about thirty-two years, deposed that he was at Edman Bredges' shop when Bridges and Simons were making a bargain about the boards of the shop, and Simons said if he had the boards that said Bridges should not deprive him of the steer, etc. Sworn in court.

John How, aged about thirty-three years, deposed that he saw Robert Ames drive the steer, etc. Sworn in court.

John Cummings, aged forty years, deposed. Sworn, Nov. 23, 1674, before Daniel Denison.

Gras Androus, aged about fifty years, deposed. Sworn, Nov. 23, 1674, before Daniel Denison.

Edmond Bridges' receipt for the steer, dated Oct. 12, 1674, and witnessed by Stephen Haskott and Zachery Courties.

Willyem Browne deposed concerning the steer taken away from his master Simonds. Sworn, Nov. 23, 1674, before Daniel Denison.
—Nov. 24, 1674.

Ensigne John Gould v. Margaret Bishop, executrix of the estate of Thomas Bishop. Jon. Putnam was to pay for the entry, and Tho. Bishop was admitted as attorney for Mrs. Bishop. Verdict for plaintiff.

Writ, dated Nov. 19, 1674, signed by Robert Lord, for the court, and served by Robert Lord, marshal of Ipswich.

Copy of the papers in an action between the same parties brought in Ipswich court, Sept. 24, 1672 and Mar. 31, 1674, made by Robert Lord, cleric.

Copy of bond, dated Feb. 1, 1672, given by John (his mark) Gould of Topsfield and John (his mark) Newmarsh of Ipswich, for 25li. 17s. in silver or bar iron at 20s. per hundred, to Thomas Bishop of Ipswich, to be delivered at the now dwelling house of Samuell Bishop in Ipswich. Wit: Thomas Andrews and Robert Lord, jr.

John Gould's bill of cost, 2li. 13s. 4d.

William Smith and John Morall deposed that in 1670 before Indian corn harvest, they saw John Gould deliver one bullock to Thomas Bouship, sr., at Ipswich, the price of which was 8li., and it was put into Bishop's cow house. Sworn, Nov. 23, 1674, before Daniel Denison.

Edmond Bridges deposed that when the accounts were made out Bishop allowed Goold six pounds for an ox. Sworn in court. Ensign Goold disowned it in court.

Phelip Welch and Zachery Courties deposed that they were at work by the side of Ensign Goold's field about four or five years ago, when Thomas Bishop came along and said the bullock had broken away from him and he thought it might have gone back to Goold's cattle, etc. Sworn in court.—*Nov. 24, 1674.*

Writ: Elias Parkman and Thoms Andrews v. Wilaum Shaw; for claiming and improving a part of a farm in partnership between plaintiffs; dated 18:9:1674; signed by Hilliard Veren, for the court; and served by Edmond Bridges, deputy for Henery Skerrey, marshal of Salem.

Topsfield births, marriages and deaths, returned by John Redington.

Joseph, son of Matthew and Ruth Standly, born Dec. 14, 1671.

Benjamin, son of Matthew and Ruth Standly, born Nov. 12, 1673.

Lideah, daughter of John and Hanah Pabodye, born Mar. 9, 1673-4.

John Herreck and Mary Redington, married May 25, 1674.

Rebeca, daughter of Isac and Mary Cumings, born Apr. 1, 1674.

Thomas, son of Philip and Hana Weltch, born July 12, 1674.

Lidiah, daughter of John and Phebe French, born May 17, 1674.

Sarah, daughter of William and Rebeca Smith, born July 10, 1674.

Mehitabell, daughter of Daniell and Faith Black, born Mar. 10, 1670-1.

Abigell, daughter of William and Hana Averell, born Mar. 8, 1673-4.

Presilia, daughter of John and Sara Gould, born Nov. 2, 1674.

Hana, daughter of Thomas and Judeth Dorman, born Dec. 2, 1674.

Edmond, son of Daniell and Faith Black, born Dec. 6, 1674.

Mary, daughter of Ephraem and Mary Dorman, born Dec. 7, 1674.

Priscila, daughter of Mr. Tho. and Priscila Baker, born Dec. 8, 1674.

Elisabeth, daughter of Mr. Jerimiah and Elisabeth Hubbert, born Feb. 8, 1674.

Jacob, son of Robert and Mary Smith, born Jan. 29, 1674.

John, son of Thomas and Judeth Dorman, died Nov. 7, 1674.

Jacob, son of Isac and Mary Estey, born Jan. 24, 1674.

Sara, daughter of Samuell and Sara Howlet, born Nov. 25, 1674.

Mary, daughter of John and Elizabeth Ramsdell, born Jan. 27, 1674.

Bond, dated 4:5:1674, given by Samuell Leonard and Nathanel Lenord for their appearance at the next Ipswich court to answer the complaint of John Goold, as surety for Mr. John Ruck. Wit: Hilliard Veren and Edmond Bridges.

John Gould, on Oct. 1, 1674, made John How his attorney.

Zacheus Curtious, jr., testified that he and Walter Farfeeld being at Mr. Gednie's some time in October with Samuel Symonds, heard

the said Symonds own that the bargain he had made with Edmond Bridges, jr., about some joinery work which he was to do for him, was to be paid in a steer if the work was done by Sept. 1. Further that Symonds said the work had not been done because his man had gone away and had stayed longer than he ordered him, etc. Sworn, Mar. 26, 1674, before Daniel Denison.—*Nov. 24, 1674.*

John How served on the jury of trials at Ipswich court, Mar. 30, 1675.

Jo. Peabody took the freeman's oath at Ipswich court, Mar. 30, 1675.

Nathaniell Putnam, in behalf of the owners of the Iron works at Rowley Village v. Ens. John Gould, Mr. Thomas Baker and Nathaniell Leonard. Review of a case tried at the last Ipswich court about the burning of the Iron works. Verdict for plaintiff. Ens. John Gould appealed to the next Court of Assistants, but not bringing sureties to prosecute his appeal, it was declared void. The testimonies of Looke, Ramsdell, Blishman and Hood were objected to by plaintiff as not having been taken according to law, they living within ten miles and not present, and also because John How testified that Ramsdell revoked his testimony, which was objected to before the case was committed to the jury.

Writ, dated Mar. 20, 1674-5, signed by Robert Lord, cleric, and served by Robert Lord, marshal of Ipswich.

Copy of agreement, dated Apr. 6, 1674, between the owners of the Iron works at Rowley Village, and Samuella, Nathaniell and Thomas Leonard, sons of Henry Leonard, relating to making iron there by the ton: the Leonards were to repair the chimneys, backs, &c., to stop the leak in the dam and then to deliver the house, works and all utensils and appurtenances, with the wood and coals at the works or in the woods, to the owners or some one or two of them for the use of the rest; the owners were to speedily provide a stock of coal and mine, and bring it to the works, which the said Leonards are to make into good merchantable bar iron with due care and diligence, with as little loss of coal or mine as may be, for which the Leonards were to be allowed 5li. 10s. per ton to be paid in corn or iron at 24s. p C.; they were to have the use of two fires for the present, and what iron they made in excess of one ton per week for a month together, they should be allowed 6li. per ton; the third fire is reserved to be disposed of by the owners as they shall see cause; the Leonards were to keep a true account of every week's product of iron and at least once a week, or oftener if desired, deliver the iron to the persons appointed, or if in anchors, the number of them; they were to take care to prevent danger or damage by fire or water, the necessary charges to be borne by the

owners, and for other accidents or breaches that may happen without their fault or neglect, said owners were to repair speedily, or they may do it themselves and be allowed for it upon account, that the works may not stand still any longer than necessary; what mine they should dig or wood cut, when materials are wanting at the works, they should be allowed for in iron, at the rates given to other men for the like work, that they may never be out of employment; they were to observe the order and direction of any of the owners, especially in time of danger or floods, for taking and keeping down the flushboards; this agreement was for six months, and the Leonards were to have the use of two-thirds of the house, the other third to be at disposal of the owners. Copy made, Mar. 24, 1674, by Robert Lord, cleric.

Writ: Nathaniel Putnam, in behalf of the owners of the Iron works v. Ensign John Gould, Mr. Thomas Baker and Nathaniel Leonard; trespass; for employing Nathaniel Leonard, without their consent or knowledge, to work in their forge at the Iron works whereby either wilfully or through extreme carelessness and negligence, said forge was burned and all in it to the value of between 200 and 300li.; dated Sept. 14, 1674; signed by Daniel Denison, assistant; and served by Robert Lord, marshal of Ipswich. Copy made by Robert Lord, cleric.

At a meeting of the owners of the Iron works at Rowley Village at Salem, viz., Mr. Bradstreet, Major Genrll. Daniel Denison, Mr. John Rucke, Ensign John Gould, Nath. Putnam and Thomas Andrewes, on 22:5:1674: "Mr John Rucke, Corp^l John Putnam & Tho. Andrewes they or any two of them are required & impowred to treat & agree upon as good tearms as they can for the benefitt of the s^d owners with some skilful & meete workman, for the reedifyinge & repairing the forge at the s^d works lately demolished by fire, and desire that it may be done & finished with as much speede as may be, and wee doe heereby promise for our selues to discharge & pay our seuerall pportions according to their engagement, and shall endeauor, that such of the owners as are absent shall doe the like, or for default thereof by any of the owners, they shall be reimbursed by the first Iron that is made at the s^d works, with due allowance for their forbearance, only it is desired the s^d owners may not be engaged to pay any part thereof in money or not aboue 8 p^t thereof at the most. Further it is ordered & agreed that Nathaniel Putnam shall & is heereby appointed & impoured to sue," etc. Signed by Simon Bradstreet, Daniel Denison, Nathaniel Putnam, John Gould, who signed to the former part for the rebuilding but not in regard to the suit, John Rucke, Thomas Andrewes and John Safford. Copy made by Daniel Denison.

Joseph Bexby and Abraham Reddington certified, Mar. 26, 1675, that they being desired by Nathanell Putnam to tell him how much the damage of burning the forge house amounted to, said that "John Perly by bargaine had too hundreth and teenn pound and three pound more aded and we count one hundreth pound in Iron and what the chimnies and the stocks and bellows and the matters that are considrable about them as leather and nailes may arise unto." They appraised the damage at 210li. "Joseph Bixbe doth not looke at himself to be owner of any parte of the works."

Nathanell Putnam's bill of cost, 3li. 15s. 8d.

William Smith, Jeremiah Hood and Thomas Looke deposed that they being at John Gould's house some time in July last when some of the owners of the Iron works were there, they heard the latter say that they would have the works stand still. Then Mr. Thomas Baker and John Gould said if they would pay the colliers in the pay agreed upon, they would be willing for the work to stop, but the owner who would have them stand still would not pay the colliers and Major General Denison made this answer, that he had no pay to spare, "let the works goe till they have payd all old debts, but I would haue them make no new debts," and then he rode away. All the others went also and they came to no agreement. Said Looke deposed that Gould and Baker never hired him to work with Nathaniell Lenard in the forge, nor did they promise him any pay, but said Lenard hired him. Sworn, Nov. 4, 1674, at Ipswich court. Copy made, Mar. 26, 1675, by Robert Lord, cleric.

John How, aged about thirty years, deposed that he heard Thomas Andrewes say to Ensigne John Gould that he would not consent to Nathaniel Leonard working there, and if he did, it would be at Gould's risk. Further that Thomas Andrewes said that he could save himself though the works were burned, for he and his brother Gould had agreed that Nathaniel Leonard should not work without Goodman Looke, etc. John Wild testified to a portion of the foregoing. Sworn, Sept. 29, 1674, at Ipswich court. Copy made by Robert Lord, cleric.

Evan Morris, aged about sixty-six years, deposed that he being at the works the evening before they were burned, he saw Nathaniell Leonard leave work and never saw so much care taken to put out the fire as at that time, though deponent had been a retainer there three months, with bed and board. Sworn, Nov. 4, 1674, at Ipswich court. Copy made by Robert Lord, cleric.

Edmund Bridges testified. Copy made by Robert Lord, cleric.

Robord Bates deposed that John Gould hired him to carry the coal into the coalhouse and to make up the doors so that the coal might be secure, and he was to be allowed 4d. per load, etc. Sworn, Mar. 12, 1674, before Samuel Symonds, Dep. Govr.

John Ramsdell and Thomas Looke deposed that after the owners left John Gould's house, Nathaniel Leonard told Baker and Gould that he should go to work under the old agreement, and until his brother Samuel came he would hire another man, but they forbade him. Nevertheless Leonard went to work and threatened John Gould when he found him at the works, etc. Sworn, Mar. 12, 1674, before Samuel Symonds, Dep. Govr.

John Floyd, aged about thirty-seven years, deposed that Goodwife Leonard and Nathaniel Leonard said they were done at the works and would work no more and deponent saw that their goods were gone out of the house, save a few trifles. Also Samuel and Thomas Leonard were also gone, and John Gold asked deponent to agree with the owners to carry on the Iron works. Sworn before Daniel Denison.

Jacob Towne, aged about forty-four years, deposed that Ensign Gold told him at deponent's house that Nathaniel Linerd had been to him that night and told him that the ringer was lost and he had made one. Also that he should begin to blow on the next Monday morning, and that he had engaged Jeremiah Hood to work with him. Sworn in court.

Zacheus Courties, jr., aged about twenty-eight years, deposed that his father and his brother John Courties carried two loads of clay to the Iron works last spring upon account of Ensign John Gould and Mr. Thomas Baker, and the Lenords daubed two of the chimneys at the works. They also employed the Courties' to mend the wheels and repair the works. Sworn, Mar. 12, 1674, before Samuel Symonds, Dep. Govr.

Letter of attorney, dated Mar. 10, 1674, given by Daniel Denison, John Safford, Simon Bradstreet and John Rucke, owners of the Iron works at Rowley Village to Nathanel Putman.

Jeremiah Hoode and Elizabeth Blichman deposed. The latter testified that Nathaniel Leonard came to her master's house when he was not at home and told her that he had blown at the works. When her master came home, he went to get his horse to ride to his brother Thomas Baker's, etc. Thomas Looke testified to a portion of the same. Sworn, Mar. 12, 1674, before Samuel Symonds, Dep. Govr.

Zacheus Courties, sr., deposed. Sworn, Mar. 12, 1674, before Samuel Symonds, Dep. Govr.

Copy of papers in an action of Leonard vs. Mackfation, Mar. 25, 1673, in Ipswich court made by Robert Lord, cleric.

Edmund Bridges, aged about thirty-eight years, deposed. Sworn, 10:1:1674, before Wm. Hathorne, assistant.

William Smith and Jerimiah Hood testified that they heard John

Saford and Mr. Rucke say that they were willing the works should go if they might have their share of iron. Sworn in court.

Jeremiah Hood and Elizabeth [Blichm]an deposed. Sworn, Mar. 12, 1674, before Samuel Symonds, Dep. Govr.

Willuam Curtis and Edmond Bridges certified that by information of Iron works' builders and other workmen who have great insight into such matters, they appraised the damage at 210li. Sworn, 10: 1: 1674, before Wm. Hathorne, assistant.

John Ramsdell deposed that he came into the forge and looked up the chimneys and that they were sufficiently mended. Sworn, Mar. 12, 1674, before Samuel Symonds, Dep. Govr.—*Mar. 30, 1675.*

Robert Ames v. Edmond Bridges. For withholding pay for a steer. Verdict for plaintiff, who acknowledged satisfaction in court.

Writ, dated 26:9:1674, signed by Hilliard Veren, for the court, and served by Robert Lord, marshal of Ipswich.

Walter Fayerfield, aged about forty years, testified that being in company with Zacheus Curties at Mr. Gedny's at the beginning of the last winter, he heard Samuall Symonds say that he and Edmond Bridges had agreed that said Symonds should make a cubbard and other joinery ware by a set time, and if he did so, he was to have a steer for pay, etc. Sworn in court.

Moses Tiler and Zacheus Courtis testified. Sworn in court.

Zacheus Curteus, Moses Tiler and Daniell Wycam testified that Bridges promised that if Simonds recovered the steer from Ames at Salem court, then he would pay for the steer and all court charges, etc. Sworn in court.—*Mar. 30, 1675.*

Margret Bishop, executrix of the estate of Thomas Bishop, deceased v. Ens. John Gould. Review of a case tried at Salem court last November. Verdict for plaintiff.

Writ, dated Jan. 22, 1674, signed by Robert Lord, for the court, and served by Robert Lord, marshal of Ipswich by attachment of three cows, 30 sheep and a joined stool of defendant's.

Margaret Bishop's bill of cost, 2li. 13s. 6d.

John Numarch, sr., testified that he being present with his brother Gould at Mr. Bishop's house, etc. Sworn in court.

Samuell Bishop, aged about twenty-nine years, deposed. Sworn in court.

John Gold's debts, 24li. 17s. John Gold's credits, from the waste book, for an ox, 6li.

John Choat, aged about forty years deposed that being at his master Bishop's house four years ago, he asked said Bishop to sell him a bullock, and he said he would sell one he bought of John Gold of Topsfeild for 6li. Deponent bought this beast which was a red pied bullock with a star in his forehead. Sworn in court.

Richard Pasmore, aged about thirty years, deposed that he heard his master Bishop speak of the bullock the fall before he died. Afterwards the bullock ran away, and his master and John Harvey brought him home. Sworn in court.

John Gould testified concerning the accounts. Sworn in court.

Robert Lord, marshal, aged about forty-three years, deposed. Sworn in court.—*Mar. 30, 1675.*

Daniel Clarke had his license renewed for a year.

Ens. Jo. Gould acknowledged judgment to Robert Pane, in bar iron.

Mr. Thomas Baker acknowledged judgment to Mr. Robert Paine, in bar iron.

Ens. Jo. Gould had his license to sell beer and cider renewed for a year, also his license to sell liquors to a stranger.

Ens. John Gould was bound, with Mr. Thomas Baker and Zacheous Curtice, as sureties. Court not accepting said Curtice, Mr. Baker also refused and went away, and the appeal did not stand.

Ens. Jo. Gould acknowledged judgment to Tho. Baker, in bar iron.

There being part of a fine of 50s. remaining from the town of Topsfield for want of a stock of powder, court allowed the 50s. to said town towards their bridge over Ipswich river.

John How, complained of for disturbance at the town meeting at Andover, was admonished.—*Mar. 30, 1675.*

Ensign John Gould v. Thomas Bishop. For refusing to deliver a deed of sale of land which was given for security of a bond, the bond being all paid. Verdict for plaintiff, a bill of sale, dated Oct. 3, 1674, of fifty acres of land. Appealed to the next Court of Assistants. Thomas Bishop and Samuell Hunt bound.

Writ, dated June 24, 1675, signed by Robert Lord, for the court, and served by Robert Lord, marshal of Ipswich. Bond of Thomas Bishop.

John Gould's bill of cost, 2li. 16s. 9d.

John How, aged about thirty-three years, deposed as to the bond. Sworn in court.

Receipt, dated Apr. 3, 1675, given by Samuell Bishop to Ens. John Gold, for satisfaction of the judgment of the court at Boston in an action commenced against said Gold by Nathaniell Bishop, as assignee of Thomas Bishop. Wit: Jonathan Wade and Thomas Wade.

Summons, dated June 15, 1675, for the appearance of Ens. John Gould upon complaint of Mr. Thomas Bishop, signed by Daniel Denison.

Thomas Bishop, on Oct. 3, 1674, agreed not to sell the fifty acres conveyed to him by John Gould, by mortgage, until the expiration of the bond. Wit: John How, Samuell Bishop and Ephraim Dorman. Sworn, 24:9:1674, before Wm. Hathorne, assistant.—*July 20, 1675.*

Ens. John Gould v. Mrs. Margaret Bishop, executrix of the estate of Tho. Bishop, deceased. Review. Verdict for plaintiff. Appealed to the next Court of Assistants. Samuell Bishop, John Spark and Samll. Hunt bound.

Writ, dated June 24, 1675, signed by Robert Lord, for the court, and served by Robert Lord, marshal of Ipswich, by attachment of two horses of defendant.

John Gould's bills of cost, 24li. 17s., and 3li. 13s. 1d.

Zacheus Curtiss, jr., deposed that being at John Gould's house, he remained all the time that Marshal Lord was levying the execution, etc. Edmond Bridges and John Nuemarch also mentioned.

Edmond Bridges deposed. Sworn in court.—*July 20, 1675.*

Ens. John Gould v. Nathaniell Putnam, in behalf of the owners of the Iron works at Topsfeild or Rowley village. Review. Verdict for defendant. Appeal to the next Court of Assistants. Bond of John Gould, Lt. Oliver Purchase and Edmond Bridges.

Writ, dated 11:3:1675, signed by John Redington, for the court, and served by Robert Lord, marshal of Ipswich, by attachment of 360 acres of land which was taken from Ens. Gould, Mr. Thomas Baker and Nathaniell Leonard being the other defendants.

Nathaniel Putnam's bill of cost, 1li. 14s. 6d.

Copies of papers in a similar action brought, Mar. 30, 1675, in Ipswich court.

William Smith deposed that he being at the works soon after the owners had made a re-entry of the works, Mrs. Lenord made a sad complaint how the owners had abused them, and said she did not question but that God would right their case, for they had done no wrong. She said that it was never known that any workmen were turned out of the works but some sad thing did befall the works and she did not question that the works would be ruined either by fire or water. Sworn in court.

Edmond Bridges deposed. Sworn in court.

William Smith deposed that being at John Gould's house when John Fload was bargaining with the owners of the Iron works, he heard Nathaniel Lenord say that the owners should not ask anybody to work there without his consent until his time was out. Further, if anybody did come without his consent, he would work for the time he was hired "in spite of ye owners teeth." Sworn in court.

William Smith deposed that Nathaniell Lenord told him that he arose about break of day, looked out at the chamber window and saw the works on fire and Henery Lenord told deponent that Nathaniel called him and said "Come hither and see how ye forge doe burne." They stood and looked at the forge burn down. Sworn in court.

John How deposed. Sworn in court.

William Browne and Joshua Besson deposed. Sworn in court.

Robert Lord, marshal, testified concerning levying the execution. Sworn in court.

Thomas Baker deposed that when the owners were at his brother Gould's, and after they were gone Nathaniel Lenord said if he could work he would get Goodman Looke to work with him. Deponent accounted said Looke to be faithful and trusty, and the latter said he had two weeks work engaged in mowing and then he would go to the works. When the works were burned, Looke was not there. Sworn in court.—*July 20, 1675.*

Mr. Phillip Cromwell v. John How, the marshal's deputy. For neglecting to serve an execution against Samuella Lenord. Verdict for plaintiff. The defendant was to satisfy judgment or deliver the person of said Leonard to Mr. Cromwell. Execution respitted until the next June court at Salem, unless said How should be removing out of this jurisdiction in which case this indulgence was to be taken off.

Writ, dated June 21, 1675, signed by Thos. Fiske, for the court, and served by Edmond Bridges, jr., deputy for Robert Lord, marshal of Ipswich.

Mr. Cromwell's bill of cost, 2li. 6s. 4d.

Robert Lord, John Gould and Edmond Bridges certified as to serving the execution. Sworn in court.

Ephraim Dorman, aged about thirty years, deposed that he being at Quartermaster Pirkins' house at Ipswich some time about last Mickellmes, Marshal Lord blamed John How for not arresting Samuella Lenord, but later Lord talked with How and was satisfied. Sworn, June 24, 1675, before Daniel Denison.

Edmond Bridges and Sarah Gould deposed. Sworn, June 24, 1675, before Daniel Denison.

John Gould deposed that upon training day at the Village Sam. Leonard was there all the forenoon and afternoon as a looker-on, and at night when they were leaving off, they went to Robert Stiles to drink a cup of cider. Leonard and How were there when the house was full of company and staid there until all the company was dismissed, etc. Sworn in court.

Joseph Peabody, aged about thirty years, deposed that How came up to Samuella Lenord with a smiling countenance, tripped him up and Lenord tripped him, and then How laid hold on him or clapped him on the back and said that he was his lawful prisoner. Then Howe spoke to Daniell Bigsby and deponent to assist him, but all thought it was a jest. Finally he said he was in earnest and com-

manded them in his Majesty's name, whereupon Leonard ran over the fishing brook and escaped. Sworn in court.

Zacheus Cortis, aged about twenty-nine years, deposed. Sworn in court.—*July 20, 1675.*

William Nickolls, [of Topsfield] was rated 9s. 4d. on the minister's rate and the meeting house rate at Salem Village in 1672, but had not paid on Dec. 28, 1674.—*July 20, 1675.*

Samuell Bishop and Margaret Bishop, executors of the will of Tho. Bishop, deceased v. Ens. Jon. Goold. Appeal from the judgment of the Worshipful Major Genrl. Denison. Debt. Special verdict. If one single evidence with defendant's affirmation, it not appearing to be a book debt nor how due nor in what, be sufficient proof according to law, they find for defendant, a confirmation of the former judgment; if not, for appellant, a reversion of the former judgment. Court found for plaintiff, the reversion of the former judgment.

Writ: Ens. John Gould v. Samuel Bishop and Margaret Bishop, executors of the estate of Thomas Bishop; debt; dated Apr. 6, 1675; signed by Robert Lord, for the court. Copy made, June 25, 1675, by Daniel Denison.

Copy of papers in this action brought before Major Denison: Zach-eus Curtise, sr., testified that he being in company with Thomas Bishop, sr. and John Gould some years since, heard Bishop own the debt, etc. Sworn, Apr. 20, 1675, before Daniel Denison, and copy made by Daniel Denison.

This action was tried before Major Denison, Apr. 20, 1675, with judgment for plaintiff. Appealed to the Salem court, John Baker and John Pinder, sureties. Copy made by Daniel Denison.

Bill of cost, 1li. 2s. 6d.

Samuell Bishop's reasons of appeal, received June 22, 1675, by Daniel Denison: "There is but one single and simple Evidence to wt is proved in the Case (who if he were examined wt an oath is wn he is out of his Cups I suppose Can Give but a poor accompt of his knowledge) For when the sd Curteis were examined before the Major Generall touching his evidence (he answered him) that he had never thought of it from the time that ye words were spoken till a weeke or a fortnight before ye tryall of the Case wch makes the present plantiffe Groundlesly thinke that there were not in that evidence the truth, the whole truth & nothing but the truth," etc.

John Gould's answer to Samuell Bishop's reasons of appeal: "As to ye wisdome of ye parson wee acknowlidg hee may not haue so much Craft as a Buship but wee trust more honisty then all ye Buships that may share in this estate if Recouered from ye p^rsent defendant afirming positiuly and one witnes making oath ye dettar neuer dening is dubel

and Consiquently Leagull profe before God and man and wee hope this prsent Court will take notis how much this Charge doth reflect apon ye former Court that Judged this Case. . . . I hope this Court will be verey redy to Grant releufe in Cases where ye Buships of this Generation would attempt soe hily to Apeale from Judgment Granted apon Law and testamony," etc.—*July 20, 1675.*

Samuell Bishop and Margaret Bishop, executors of the will of Thomas Bishop, deceased v. John Goold. Appeal from the judgment of the Worshipful Major Genrll. Denisson. Debt. Special verdict. Court found for plaintiff.—*July 20, 1675.*

Thomas Leonard complained of upon suspicion of having a hand in burning the coal house at the Iron works, court found that there was great ground of suspicion, and ordered that if said Leonard be found within seven miles of Topsfeld or the Iron works for time to come, he should be whipped and complained of to a magistrate by any person who should find him, and he was also bound to good behavior during the pleasure of the court. Thomas Leonard, Mr. Oliver Purchas and Ens. John Goold bound.

Oliver Purchis, aged fifty-eight years testified that Thomas Leonard, Blaye Vinton and Sarah Perkins came to Lyn works on the sixth day before the coalhouse at Rowley Village was burned, an the Lord's day and they were at the house where deponent dwelt at or before three o'clock in the afternoon. They were at home that night, about home all the next day and the Lord's day on which the coalhouse was burned, and were at Lyn meeting both forenoon and afternoon. Further deponent never heard Leonard make any complaint against the words or the owners. Sworn in court.

John How deposed that Goody Lannord said a few days before she went away from Rowly Village that the works would be ruined, "Mark said she thay will sartonly be demolished for saied she the owners haue delt wekedly with us: and saied the workmane haue a trek to hender any from working after them If thay be torned out: thay will com to damig said she by fier or otherwise." Samuell and Nathanill also spoke such words, and Samuell vowed vengeance upon the owners. Sworn in court.

Jeremie Houd deposed that he saw Thomas Lenord at the Iron works at Topsfeld the Friday before the fire and he tied his horse to the coalhouse. Further that they laid up the coalbasket on Friday night but on Saturday morning half of it was burned off. Sworn in court.

Thomas Andrews deposed that the coal that lay on the side next the dwelling house was not on fire until the coalhouse fell on it, after which he took a shovel from that side that was only a little scortched.

Warrant, dated 22:5:1675, for the appearance at sight, of Thomas Pearly and wife Liddea, John How, Samuell Simonds, Daniell Wood, Jeremiah Hood, Thomas Towers, Zacheus Curtice, jr., Edmund Bridges and Ensign John Gould to give evidence concerning the burning of the Iron works, signed by Hilliard Veren, for the court. The constable of Salem was ordered by the court to "press a horse & man to send away this warrant," and John Littlehale made oath in court that he had summoned the persons mentioned.

Samwell Simons, aged about thirty-five years, and Daneell Wood, aged about twenty-five years, deposed that they saw the fire and the windward end of the house was first burned, which was toward the southwest. Sworn in court.

Thomas Tower deposed that on Thursday night Lannord came to Goody Androuses, and thence to John Gould's, where he lodged. Sworn in court.

John Gould deposed that Jacob Towne told him that the end next the highway was burned first, etc. Sworn in court.

John Putnam deposed that he was at John Gould's house on Thursday night and, when Lenerd came in, asked him where he had been. He said he was not bound to give account. Sworn in court.

Blaze Vinton, aged twenty-one years, deposed that he had asked Leonard to go with him to Topsfeild and Ipswich, etc. Sworn in court.

Thomas Perley, aged about thirty-four years, deposed that the next week after the fire, Nathanel Lenod came into his field and said he was glad he was not there when the house burned, because they would have said he burned it. Sworn in court.

Edmond Bridges testified that on Friday, Lenard tied his horse to the coalhouse, came down to the forge and asked for John Vinton, etc. Sworn in court.

Zackeas Curtis, aged about twenty-nine years, testified that he was at the "upper finere whell," etc. Also that he saw Thomas and Nathanel Lenord on Friday late at night come riding from the forge by deponent's house. Deponent asked them if the workmen were at the works and they said they could not tell but saw a light in the forge, etc. Sworn in court.

John Vinton, aged about twenty-six years, deposed that he with Thomas Tower and John Chilson, went to Goodwife Andrewes, etc. Sworn in court.—*July 20, 1675.*

Whereas Samuell Leonard made an escape from under the hands of justice to some parts in Coneticot Colony, court desired that the said Colony return him, if found, as a runaway.—*July 20, 1675.*

The town of Tosfeild presented for a defective highway between

Salem bounds and Topsfeilde bridge. Wit: Natheinnel Puttnam and James Moltten, jr.—*July 20, 1675.*

Thomas Leonard was in Lynn on Aug. 30, 1675 when he was fined for fighting with John Alley.

John How, constable of Topsfield, was fined for not returning his warrant for jurymen.—*Sept. 28, 1675.*

Robert Ames v. Samll. Simonds. Verdict for plaintiff. Damages in neat cattle not exceeding four years old.

Writ: Robert Ames v. Samuel Symonds; for illegally withholding a steer; signed by Thos. Fiske, for the court; and served by John Gould, deputy for Robert Lord, marshal of Ipswich, by attachment of land near defendant's house.

Copy of the record and files of Salem court, 24:9:1674, and Ipswich court, Mar. 30, 1675, in a similar action, made by Hilliard Veren, cleric.

John Comings, jr., and Thomas Comings deposed that in the latter end of Sept., they saw Samuella Symonds come and look amongst their father's cattle and take away the steer that Robert Ames spoke with their father to keep for him until he had gathered his Indian corn, etc. Sworn, Nov. 29, 1675, before Daniel Denison.

Edmond Bridges, aged about thirty-eight years, testified that he sold the steer on Aug. 23, 1674 to Robert Ames, which was the same day that he had received it from John Littlehale. Sworn, 17:9:1675, before Wm. Hathorne, assistant.

John Cummings deposed. Sworn, Nov. 23, 1675, before Daniel Denison.

John Cummings, aged about eighteen years, deposed. Sworn, Nov. 23, 1675, before Daniel Denison.—*Nov. 30, 1675.*

Execution, dated 2:7:1675, against Ensign John Gould, to satisfy judgment granted Samuella Bishop and Margerett Bishop, executors of the estate of Thomas Bishop, at Salem court, 20:4:1675, signed by Hilliard Veren, cleric, and served by Henery Skerry, marshal of Salem.

Execution, dated July 29, 1675, against Robert Ames, to satisfy judgment granted Edmond Bridges, July 20, 1675, at Salem court, signed by Hilliard Veren, cleric, and served by Henery Skerry, marshal of Salem.—*Dec. 21, 1675.*

Jacob Towne served on the jury of trials at Ipswich court, Mar. 28, 1675.

Ens. John Gould had his license renewed for one year.—*Mar. 28, 1675.*

Daniell Cleark of Topsfield was licensed to keep a public house of entertainment for the ensuing year.—*June 27, 1676.*

Jonathan Wiles dying intestate, John Wiles was appointed administrator of the estate and made oath to the inventory.

Inventory of the estate of Johnnathan Wiles, taken June 28, 1676 by John How and William Aver[ill] and allowed 30:4:1676 in Salem Court; a mar and ould sadell, 2li.; a small Gun, 15s.; three saws, 18s.; a beres, 5s.; Broad ax, 5s.; square, 2s. 6d.; mortis auger, 2s.; ould Iorans, 1s. 6d.; an ould ax, 2 s.; an inch auger and a payer of chisells, 3s. 6d. There is a parsell of land about 15 akers which was to be Johnnathan's after his fathers decase; this to be considered whither to be in the Inventory or no.—*July 27, 1676.*

The selectmen of Marblehead, petitioning to this court that one Phillip Welch, an inhabitant of Topsfeild, had lately removed into their town, who was very poor and likely to be chargeable to their town, declared that it was without the consent of the selectmen and most of the inhabitants and they disowned him as an inhabitant.

Petition, dated July 14, 1676, of William Beale and Richard Rieth, for the selectmen of Marblehead, to the court: "whereas the lawes of this common wealth ordereth that euery Towne shall prouide for their owne poore; phillip welch of Topsfeild being reputed A very poore man & of late com with his Family into our Towne of Marble Head without Leau obtained from either Towne or selectmen, also, beeing ackording To our towne order warned either to depart or giue bond for ye Townes securitie hee refusing to doe either, wee doubt not but this honnoured court will giue releeffe against this iniust intrusion."—*July 27, 1676.*

Isaack Comings served on the grand jury and William Averill on the jury of trials at Ipswich court, Sept. 26, 1676.

Daniell Boreman v. Agnes Evens, widow and administratrix of the estate of her late husband William Evens, deceased. Verdict for defendant.

Writ, dated Nov. 22, 1676, signed by Edward Tyng, assistant, and served by Returne Waite, deputy marshal of Suffolk.

Copy of writ: Agnes, widow of Willyem Evens v. Daniel Borman of Topsfeld; debt; dated Boston, Oct. 6, 1676; signed by John Davenport, for the court; and served by John How, constable of Topsfield.

Agnes Evens' bill of cost, 8s.

Abraham Redington, being desired by Daniel Boarman to appraise six cattle, oxen, etc., for pay to Goodman Evens for the farm he bought of Goodman Evens in 1672, and as well as he could remember the amount was 34li. which was more than the farm was worth according to his judgment. Sworn, 21:9:1676, before Wm. Hathorne, assistant.

Bond, dated Dec. 20, 1665, without signature, given by Daniell Borman of Ipswich, husbandman, to William Evens of Topsfeild, yeoman, for 100li., to be paid in cattle, if lean not exceeding seven years old, if fat they may exceed, and wheat, rye, barley, malt and one firkin of butter, and delivered at Ipswich aboard some vessel bound for Boston, said Borman giving for security the meadow and housing purchased of said Evens.

John How testified that he was hired by Willyem Evens to drive six cattle to Boston which Evens had from Danill Borman of Topsfeild, etc. Sworn in court.

Nathaniell Putman deposed that he was present when the account between the parties was settled and saw the receipts from William Evens. Sworn, 1:9:1676, before Wm. Hathorne, assistant.

Sam. Pearce, aged about twenty-three years, deposed that about Mar. 29, 1670, he received on board of their barque sixty bushels of malt and one firkin of butter, etc., which he delivered to Evens at Boston on Apr. 17, etc. Sworn, Nov. 27, 1676, before Daniel Denison.

William (his mark) Evens' receipt, 9:8:1669, to Danill Borman for cattle. Wit: Frances Pabody and Abraham Redington.—*Nov. 28, 1676.*

Thomas Leonard, Mr. Purchas and Ensign John Gould were freed from their bonds.—*Nov. 28, 1676.*

John Comings served on the jury of trials at Ipswich Court, Mar. 27, 1677.

John How was sworn constable for Topsfeild.

William Pritchett dying intestate, administration upon his estate was granted to John Pritchett, his eldest son, who was to bring in an inventory to the next Ipswich court.—*Mar. 27, 1677.*

Ens. John Gould v. John Cook. For withholding 4li. Verdict for defendant.

Writ, dated 29:9:1676, signed by Hilliard Veren, for the court, and served by Henery Skerry, marshal of Salem.

Samuell Lanord testified that John Cooke of Salem, blacksmith, brought a note to deponent's father from Ens. John Gould of 4li. in bar iron which was credited upon the book. Sworn, 5:8:1674, before Wm. Hathorne, assistant.

Josias Bridges, aged about twenty-two years, testified that to his knowledge Samuel, son of Henry Leonard of Topsfeild, transacted his father's business in his absence and kept his books after his book-keeper, James Hansecom, went away. Sworn, 2:1:1676, before Wm. Hathorne, assistant. Edmund Bridges swore to the same before Wm. Hathorne, assistant.

Richard Croade, aged about forty-eight years, and Samuel Marsh, aged about twenty-four years, testified that being in John Cooke's house, he heard Samuel Leonard make up his account with said Cook, etc. Sworn, 2:1:1676, before Wm. Hathorne, assistant.

Elizabeth Blichman deposed that in 1673 John Cooke came with a note from Mr. Gednie of Salem to her master John Gould for 4li. worth of iron, and the latter went with him to the works to get it, etc. Sworn, Nov. 25, 1676, before Daniel Denison.

"Mr Lenord I would entreat y^u to Let Goodman Cooke haue fouer pounds in Iron one my a Count as soone as y^u Can and if y^u Could Let him haue som now et would do him a great plesure in yo^r so doing I shall Rest yo^r Louing Friend John Gould. Dated ye 10: of 9^m 1673: "

On the reverse of the foregoing paper: "I Samuell Leonard in the behalf of my Father Henery Leonard doe make protest against this bill," etc. Wit: Richard Croade and Blaze (his mark) vinton.—*Mar.* 27, 1677.

Thomas Leonard, Samuell Moore and Blaze Vinton for robbing upon the highway, were ordered to be branded upon the forehead with the letter B and each to pay to Wm. Lattimore five nobles and to Richard Simmons, 20s., and for affronting and abusing Bellringer and Stace upon the highway, they were fined and bound to good behavior. Court ordered the marshal to pay out of what was allowed to Bellringer and Simmons to Mr. Latimore 15s. each for their charges in prosecuting.

William Lattarmore testified that upon the 9th day of this month coming from Boston in the evening near Gorg Darling's, he met with Tho. Lenard, Samuell More and Blaze Vinton in the King's highway. "The furst salutation that I had Tho. Lennard bid me stand: and Asked me whoe was thare and I made Answer we ware men: then Lenard chalinged us of our horsis to try our manhood and said that he would take me by ye Iylides and make my heels strik fiar against the eliment: sum small spass aftar these words the abouesaid lenard and Samuell more followed me and plucked me of my horse and robed me and touck from me: a gould ring tow shilings in monny of silver and Gould ribbin: and fower yards of silver twest." Sworn, 18:10:1676, before Wm. Hathorne, assistant.

Richard Simons testified that he was with William Lattarmor and John Trevit, and was pulled from his horse, chased and forced against a tree, where they struck him as many as a hundred blows. At last someone came from Darling's and rescued him or else he might have been robbed for he had a great deal of money about him, etc. Sworn, 18:10:1676, before Wm. Hathorne, assistant.

Lenard Bellringer testified that some time last December coming from Salem upon a Saturday night at Forris river, he laid down his net lines at the foot of the bridge. Three horsemen came along, the same who abused Latamore, and Sam. Moore stooped down with his stick, took up the lines and threw them into the river, saying, "You doge fetch them out or els I will put you in or throw you into the rivar." So he was obliged to get his lines from the river and they beat him and told him never to sit on a bridge when gentlemen pass by. Sworn, 16:1:1676-7, before Wm. Hathorne, assistant.

John Bassay testified that about Dec. 9 in the evening he, Samuell Peeke and Mr. Blainar saw Tho. Lenard, Blaze Vinton and Samull More go into Gorg Dalings house and stay awile, and after they went away deponent heard a great combustion, men cry out and blows pass. They went into the house and found Richard Simons down and some of the before mentioned men upon him, but when they saw them they left him, etc. Sworn, 22:11:1676, before Wm. Hathorne, assistant.

Jno. Trevett, aged about twenty-two years, testified that the three men met with them between Darling's and Richard's houses "in ye Dusk of ye Euening and these men asked who Comes there we Answered friends they Bid us stand but we thought noe harm but Rid on our way," etc. Mr. Blaney rescued them, etc. Sworn, 22:11:1676, before Wm. Hathorne, assistant.

Jno. Stascye, aged about twenty-six years, deposed that coming from Salem in the south field, the three men overtook him, took his hat off and carried it away, etc. Sworn, 18:10:1676, before Wm. Hathorne, assistant.

Jno. Blanye, aged about forty-six years, testified that he with Samuell Pike and Jno. Basye had some business at George Darling's house where they found the three men complained of, having two pots of cider and cakes. When they had paid, the three bade them farewell and away they went. One of the men they assaulted was from Boston and had nearly a hundred pounds with him, etc. Sworn, 18:10:1676, before Wm. Hathorne, assistant.

Samuell Pik, aged about twenty-two years, testified on 22:11:1676, etc.—*Mar. 27, 1677.*

Upon strong information by divers persons that Wm. Lattimore said that Blaze Vinton did not strike him but endeavored to rescue him, court respitted that part of the sentence of branding until Salem court. Said Vinton bound for appearance at the next Salem court, with his brother John Vinton, as surety.

William Lattemor testified that when he was robbed on the highway Blaze Vinton pulled the men from him and if it had not been

for Vinton, they would have murdered him. Sworn, 10:2:1677, before Wm. Hathorne, assistant.

Thomas Browne, aged twenty-two years, testified that he being at Theophilus Baylye's house and hearing a noise upon the common, crying murder, found William Latymore fighting with a man and striking many blows, calling him odious names not fit to be spoken by men, as rogue, bastard and fool. Sworn, 10:1:1676-7, before Wm. Hathorne, assistant.

Edmond Bridges deposed that discoursing with Belringer about the fray, the latter said that if ever he met with Blaze Vinton, "if I haue but one shilin he shall haue part of it for when More and Lenard was foule on me Vinton stood a prity way from us and leaned on his horse and nether said nor did to my damige."

Joseph Holoua, aged thirty years, testified that being at Goodman Balie's house at Lin, etc.—*Mar. 27, 1677.*

Thomas Leonard was bound to good behavior, with Ens. John Gould and John Newmarsh as sureties.—*Mar. 27, 1677.*

Blaze Vinton was cleared of his bond given for his good behavior.—*June 26, 1677.*

Edmond Bridges v. Mr. Robert Paine, sr. Verdict for plaintiff, in bar iron.

Writ, dated 20:4:1677, signed by Thos. Fiske, for the court, and served by Robert Lord, marshal of Ipswich.

John Bridges testified that about four years since Nathaniel Pyper, who was master of Mr. Robart Payns' bark, came up to Topsfield to his brother Edmond Bridges and bargained for him to make an anchor of about eight score weight, which he did, and hired a cart and carried it down to master Paine. The latter said he would see that said Bridges was paid in iron for it at his own shop. Mr. Payne would have had "my brother exsepted of lenard paymaster but my brother if Lenard doth payeth me the Irone I will takit but my brother del-leauared the ancors to Mr paine apone his ingagin to pay him for it in barr Irone."

Danil Black testified. Sworn in court.

Edward Bridges' bill of cost, lli. 17s. 8d.

John Gould and Sarah Gould testified that Piper said they could not go to sea until the anchor was done. Sworn, 15:4:1677, before Wm. Hathorne, assistant.

Robert Payne, jr., aged forty years, testified that about the beginning of February, 1673, Henry Leonard coming to Ipswich and deponent's father seeing him, etc. Sworn, June 25, 1677, before Daniel Denison.—*June 26, 1677.*

Goodman [Daniel] Cleark of Topsfeild had his license renewed for keeping a house of entertainment.—*June 26, 1677.*

John Comings served on the grand jury at Ipswich court, Sept. 25, 1677.

John Pritchett v. Samuell Browne. Debt. Verdict for plaintiff.

Bond, without date, given by Samll. Browne of Salem to John Pricket of Topsfield, for a cow. Wit: Ephraim Dorman and Joseph Pricket. Sworn, 27 : 7 : 1677, before Wm. Hathorne, assistant.

Robert Lord, marshal v. John Vinton. Debt. Verdict for plaintiff.

Bond, dated Mar. 30, 1677, given by John Vinton of Topsfield to Robert Lord, marshal of Ipswich, for the payment of 20s. to Richard Semons and 20s. to Bellringer. Wit: John Browne. Sworn in court.

John How, for cursing speeches against the woman [Hanah Hayward, who had a bastard child], was fined, and upon the second presentment for warning meetings on the Sabbath days, was admonished.—*Sept. 25, 1677.*

Tobijah Perkins served on the jury of trials at Ipswich court, Mar. 26, 1678, and constable Sam. Howlet of Topsfield was in attendance.

The Ipswich town records under date of Nov. 24, 1665, show that the selectmen redivided a part of Plum Island and allowed "To Wm. Pritchett for sergt. Jacob's farme thre acres."—*Mar. 26, 1678.*

Peter Swamway, presented for fornication, was ordered to be whipped or pay a fine.

Thomas Baker was admonished upon his presentment.

John Cummings, aged forty-seven years, deposed that "in the time of publik worship mister hubbard preaching ought of the 4 psal. hoo will shew us any good lord left ouer us the lit of th Countinanc he saying in act of exsotation that ye good a Christian desired ded not lie in lands and great farmes but in the lit and countinanc of gods favioure yⁿ I ded se thomas baker lafe In so much y^t M^r hubbard sayd you shall not lafe for I deed not goo abought the bush for what I speake for this depoonat saith that another time thomas baker was seetin in his seat as if he ware asleep with his head upon the for part of the seat so longe that at last mister hubbert spake oute of exsersis and sayd do not sleep so unlese you mind to be named. Thomas backer turned his face to me and laught," etc. Sworn in court.

William Howlett, aged twenty-seven years, deposed that he saw Thomas Baker laugh several times in the time of public worship. Sworn in court.

Thomas Perkins, sr., deposed that by the change of Baker's countenance, he judged that he laughed, etc. Sworn in court.

Presented for unseemly carriage and laughing in time of public worship on Sabbath days. Wit: Deacon Perkins, William Howlett, John Wiles and John Cumings.—*Mar. 26, 1678.*

Daniell Clarke, for selling a gill of liquors to the Indians, was fined.

John How and Peter Shomway deposed that one day last week there came Jareemiah Indon, the tinker, from Danill Clark's so disguised with drink that he could not go but fell down in the highway. Deponents went over to said Clark's and told him that he did not do right to let Indians have drink, the latter having said that he had five gills of rum last night, but Clark said he let him have one gill and no more. Owned in court.

Presented from Topsfield. Wit: John Gould, John How and Peter Shamway.—*Mar. 26, 1678.*

John Gould of Topsfeild, for reproachful speeches and behavior in court toward Capt. Saltonstall, as saying "you are no judge of ye Court," in a violent manner, was fined. *Salisbury Court:—Apr. 9, 1678.*

Goodman Looke was fined upon his presentment.

Presented from Topsfield for excessive drinking. Wit: Ens. John Gold and Deacon Perkins' wife.

John Gould testified that being at Goodman Clarke's with Goodman Looke, there were five of them who drank two gills of rum and one quart of cider. They all went away together and Goodman Looke seemed not to be as well as at other times. Sworn, Apr. 10, 1678, before Daniel Denison.—*Apr. 30, 1678.*

Peeter Shamway's wife, upon her presentment, was fined or ordered to be whipped.

Peter Shamway of Topsfield was presented for fornication. Wit: Michael Dwanell and John How.—*Apr. 30, 1678.*

Zacheus Curtice v. Benjamin Thomson. Verdict for defendant.

Writ, dated June 3, 1678, signed by Hilliard Veren, for the court, and served by Samuell Peniman, constable of Brantree.

Benjamin Tompson's bill of cost, "for the townes, my patients and schollars sufferance by cessation from both for 8 days," etc., 11l. 12s.

Copy of the record of a County court at Boston, Apr. 30, 1678, in an action of Benjamin Tompson of Brantrey, assignee by deed and proprietor by purchase of the estate of John Godfrey v. Zacheus Curtis, sr., for withholding a debt of 11li. due said Godfrey, with verdict for plaintiff. Copy made by Isa. Addington, cleric.

John How and John Man deposed that sometime in April last, at Danill Clark's house in Topsfeld, Mr. Benjamin Tomson and Zaches Curtis were discoursing about the bill and Curtis said he had agreed with Godfrey and could bring his proof. Tomson said he was on his way to the eastward and would return by Ipswich on the next Monday, and he would meet him there at twelve o'clock. John, son of Zacheus Curtis, agreed to it and Tomson said if the testimony did

not prove good Curtis should send him a cow to Thomas Nuel's at Len. Curtis went to Quartermaster Perkins' house on the appointed day and waited from ten o'clock until three, but Tomson did not appear. Sworn, 26:4:1678, before Edmund Batter, commissioner.

Zaches Curtis, jr., and Ephraim Curtis deposed that John Godfrey came to their father's house some time in 1674 and in consideration of entertainment and other things of which he stood in need, acquitted their father of the debt of eleven pounds, etc. Sworn, Apr. 8, 1678, before Daniel Denison.—*June 25, 1678.*

Edmond Bridges v. Mr. Edmond Batter. Defamation. Verdict for defendant.

Writ: Edmond Bridges v. Mr. Edmond Batter; defamation, for saying that plaintiff was the leader of a factious company in Salem and that it was their design to overthrow all order and government in this town of Salem, also for saying that the plaintiff was the cause of all the mischief in Salem; dated 20:4:1678; signed by Hilliard Veren, for the court; and served by Henry Skerry, marshal of Salem, by attachment of land of defendant.

Jacob Town and John Hobb testified that Edman Bridgis of Salem above fifteen years ago when he was a dweller at Topsfeld, was allowed as a voter there and his estate was such as made him a voter by law in those times. He also opposed those who did not have liberty to vote by law. He took the oath of fidelity at Mr. Baker's house before the Major General Denison about twelve years since. Sworn, June 26, 1678, before Daniel Denison.—*June 25, 1678.*

Administration on the estate of Edmond Towne was granted to Mary, the relect, who was to dispose of the estate according to the mind of the deceased, as by mutual agreement of all surviving persons concerned, which writing was allowed. An inventory was also presented and sworn to.

Nuncupative will of Edmond Towne, proved by the widow, 27:4:1678, with the consent of all the surviving persons concerned: "The Intent and purpose of Edmond Towne presented by mary his wife Conscernin his estate . . . that the four sonns shall haue all the Lands Equally devyded amongst them, And the rest of the estate to be Equally devyded amongst the 5: garles only Sarah the secong Daughter is already marryed and Hath resciev'd to the vallue of twelve pounds already. Soe Leaveing my Cause to god, and to your Honnors searious Consideration I subscrybe myselfe Mary Towne." Provision was to be made for the widow's thirds to be taken out first. Jacob Towne deposed that Thomas Towne, eldest son of Edmund Towne, deceased, declared himself to be satisfied with an equal share with the rest of the children. Sworn in court.

Inventory of the estate of Sergeant Edman Towne, taken at Topsfield, May 3, 1678, by Frances Pabody and Thomas Baker, and allowed, 27:4:1678, in Salem court: Books, 1li.; wearing clothes, 7li. 14s.; linning sheetes and neckpins, 11li. 6s.; house and landes on the north of the Riuer, 220li.; upland and mado on the south side River, 72li.; five oxen and seven coues, 52li.; young Cattel, 19li. 17s.; shepe and lambes, 6li.; two horssees, 7li.; swine, 8li.; iron tooles, 3li.; kittels and potes and other iron ware, 4li. 4s.; peuter and earthing ware and glas, 2li. 15s.; swordes and gones, 4li. 6s.; wheles and other lumbar, 6li. 3s.; a cubbard and cheastes, 2li. 10s.; bedsted and beddin, 16li. 10s.; pillin and saddel, 2li.; wooll and flax, 17s.; five barrels of sider, 2li. 10s.; wollin and linnin yarne, 2li. 10s.; home spon cloath, 7li. 10s.; corne and porke, 4li.; for halfe the farme which was given to Sargent Toune in Reversion by Thomas Browning; total 453li. 12s. Depts owing, 26li. 3s. 3d.; by the death of one cow, 3li. 10s.—*June 25, 1678.*

Daniel Cleark of Topsfield had his license renewed.—*July 24, 1678.*

John Redington served on the grand jury, and John Comings on the jury of trials at the court held at Ipswich, Sept. 24, 1678.

Mary Howlet, presented for stealing, was ordered to pay three fold.—*Nov. 6, 1678.*

Ens. John Gould and Michael Dunill v. Joseph Bixbe. Trespass. Verdict for defendant.

Writ, dated Mar. 12, 1678-9, signed by Robert Lord, for the court, and served by John How, deputy for Robert Lord, marshal of Salem, by attachment of house and land of defendant.

Copy of papers in a similar action, 29:9:1670, in Salem court.

Jacob Town and Isack Easty deposed that they went with Goodman Bigsbe to the twenty-fifth lot by record and he cut down some small sticks, challenging the land which was in the possession of Micall Donill. Sworn in court.

Francis Pebody and John Welds testified that being chosen by the town to lay out the common on the south side of Ipswich river according to town order in 1661 and 1664, they laid out the land in controversy to Edmund Bridges. Sworn in court.

John How testified that Ensign Gould took possession of the 25th lot when possession was given, etc. Sworn in court.

Danell Black testified that in 1661, he bought "my Brother edmon bridges house and Lande in topsfeld upone his reamoufell to ween-nome wheare hee remained aboute 1 yeere in which yeere tyme the towne entred Danell Blacke a Commener and Filed him down a shearer in the Commen land that wase to bee diuided upone the south side of the rivefer in topsfeld." John How affirmed the same. Sworn in court.

Isacke Easte and Jacob Towne testified. Sworn in court.

Copy from the town records of Topsfield, made Mar. 31, 1678-9, by Frances Pabody: "At a Lawful Towne meeting the 7: of march 1664 It was then agreed that all the Comoners in the Towne shall haue share in ye Common on ye other side of ye Reiuer with the Timber which is to bee deuided according to the rule as is expressd namely that they all those which pay to ye ministers Rate made in ye yeare 1664 from fifty shilings and upward shall haue one of ye Greaters shares and fitey shilings to twenty shall haue a middell share and under twenty shilings, shall haue one of the Least shares. Now these are the Names of those men that ware then Rated that yeare 1664 and there seuerall somes as thay are in that Rate and Right in this Land: Zacheus & John Gould, 4li. 3s. 5d.; Mr. Tho. Baker, 3li. 17s. 5d.; Daniell Clarke, 1li. 4s. 5d.; Tho. Dorman, sr., 3li. 3s.; Francis Pebody, 4li. 5s. 2d.; Deckon Hovey, 1li. 3s. 8d.; Will. Evenes, 2li. 11s.; Isacke Cominges, sr., 13s. 8d.; Isacke Comings, jr., 1li. 8s.; Ensigne Howlett, 1li. 8s. 9d.; Anthony Carell, 11s. 1d.; Tho. Perkins, 2li. 19s. 7d.; Tho. Browing, 1li. 6s.; Tho. Auerell & Tho. Hobes on mr. Bradstreet land, 1li. 3s.; John Redington, 3li. 5s. 2d.; John Wilds, 1li. 12s. 10d.; Will. Smith, 13s. 8d.; Edmond Bridges, 15s. 3d.; Jacob Townes, 1li. 4s. 5d.; Isacke Estey, 19s. 6d.; Will. Townes and Joseph Townes, 1li. 8s. 5d.; Edmond Townes, 1li. 8s. 9d.; Mathu Standly, 15s. 8d.; Will. Nickles, 1li. 12s. 9d.; Mr. Will. Perkins, 2li. 3s. 9d.; Mr. Endickot, 1li. 2s.; John How, 19s.; Robard Andraus, 12s.; Francis Bates, 9s.

Copy from the town records of Topsfeeld, made Mar. 14, 1678-9, by Frances Pabody, clerk: "It is ordered and hereby they are Impowered to lay out fue hun[dred] acres of land on the other side of the riuier to remaine common to perpituey for the use of the inhabitants prouided none of it be medow land voted.

"It is furdre ordered y^t the aforesaid fue hundred acres of land is slated to the Inhabitants of ye Towne excepting Ensigne Howlet as one to haue a share in the said ——— notwithstanding any former order voted

"It is also ordered and hereby the said selectmen are impowered to deuide the other part of the common both medow & upland on the other side of ye riuier into thre equall deuisions Voted

"The names of the commoners that shall share in it: Mr. Bradstreet, Mr. Perkins, Zacheus Gould, Mr. Baker, Thomas Borman, Frances Pabody, Willi. Evens, Daniel Clark, Isac Comings, sr., Isac Comings, jr., Ensigne Houlet, Willi. Smith, Frances Bates, Mr. Endicoate, John Wiles, John Redington, Tho. Perkins, Thom. Browning, Jacob Towne, Isaac Estey, Willi. Towne, Edmond Towne, Matthew

Standly, Anthony Carell, John How, Edmond Bredges, Useltons Lot, Lumpkins farme, Robert Andrews land, Willi. Nicholes Voted."

Copy of deed, dated Feb. 3, 1669, given by Edmond Bridges and Sarah, his wife, of Salem, to Mr. John Rucke of Salem, vintner, and Joseph Bigsbe of Rouly Villidge, carpenter, two parcels of land of 20 acres each, in Topsfeilde, one in the first division, the twenty-fifth lot lying near Wheele brook, between Francis Payebody and John House lot; the other the ninth lot in the second division, of which Sticky meadow is a part, between Ensigne Howlett and John House lot. Wit: John Norman and Edward Flint. Acknowledged, 11:4:1670, before William Hathorne, assistant. Recorded, 12:4:1670, by Hilliard Veren, recorder. Copy made by Benja. Gerrish, cleric. Verified by Steph. Sewall, clerk.

Copy of the return of the committee to a Topsfield town meeting 11:3:1669, appointed to lay out land, made by Frances Pabody, clerk.

Deed, dated Dec. 9, 1670, Edmond Bridges to John Gould, witnessed by Walter Fayerfield and Thomas White.—*Apr. 1, 1679.*

Joseph Quilter, administrator of the estate of Marke Quilter v. John Wild. Debt. Verdict for the plaintiff. Appealed to the next Court of Assistants, John Wild, with John Newmarsh and John Gould, as surities, were bound.—*Apr. 1, 1679.*

Ensign John Gould acknowledged judgment to Major Genll. Denison, Esq.—*Apr. 1, 1679.*

Thomas Hobs acknowledged judgment to John How, in wheat.—*April 1, 1679.*

In answer to Mr. Jerimy Hubbert's petition, court having heard the demand of Mr. Hobart and the testimony of Mr. Cobbit and Mr. Wm. Hubbard, together with the answer of the selectmen of Topsfield concerning an engagement proffered Mr. Hobart to induce him to accept their call to the ministry in Topsfield, court judged the engagement to be of force and required the selectmen and the inhabitants to pay forthwith to Mr. Jerimy Hobart 60li. or so much land worth that amount. They were also ordered to put into good and sufficient repair the ministry house in Topsfield where their minister Mr. Hobart now lives, together with the outhouses and fences about the land. Also they were to take effectual care that the 60li. per annum allowed for the maintenance of the minister be paid to him or his assigns that it may be a testimony of their readiness to discharge their duty to God by their honorable maintenance of their minister according to their ability.—*April 1, 1679.*

In answer to a petition of Mr. Jere. Hubbard, court declared that as the town of Topsfeild had not attended the order of the last Ips-

wich court, the selectmen were ordered for their neglect to appear at the next Ipswich court.

Petition of Jer. Hobart, dated Topsfield, June 24, 1679: that the court's order in relation to the affairs of the minister of Topsfield which was given at the last Ipswich court "lieth dormant, and hath taken small effect as to the true ends and purposes of it, as I apprehende appears by A voate of the Towne upon Aprill 29 last past, & their actings ever since, to the great inconveniencye of their poor minister, who beggs his redresse at the hands of this honoured Court, as yo^r Worships shall Judg meet."

Copy of the town records, of Topsfield, made, June 21, 1679, by Frances Pabody, cleric: "the towne of topsfeeld at a towne meeting 29th of aperel 1679, hauing heard an order Red that was made by the Counte Court at Ipswich Conserving our being required to pay a some of 60 pound to m^r Jerimie Hobart which as the saide order seemes to expres was promised for his incorigment to Com to topsfeeld we being in the darke about it and not knowing of ani towne act that euer past nor ani towne record that holdes forth ani such thing we doe Conceue it needfull to suspend untel there be a forder opertuniti to be beatter satisfied by making inquire at the next Counte Couert upon whot groundes m^r Hobarts petision was made and also how the towne Comes to be 60 pound in his debt.

"the towne hath agreed by vot that John gould shall enter these names with the somes at eueri manes names end and what shall be sent to him to enter in the towne booke and to be binding to eueri man for what they haue freeli subscribed to giue to m^r Hubard for his Coming to topsfeld to except of menisterial ofes — voted

"this writeing witteseth that we whose names ar under written doe bind oure selues our ares exectetors adminestrateres or assignes to pay or Case to be payde to m^r hubard or his assignes within fore yeare after m^r Hubard doth Com and enter Apon the ministri heare at topsfeald what we doe sobscribe toe or eueri man doth giue in under his hand this som is in Consideration of a parsil of land that the towne Cold not healepe m^r Harbord with and an acowunt of what m^r Hubart doth lose at amsberi in Coming to us heare at topsfeeld—voted: deeken howlet, 5li.; Isak Comings, sr., 2li.; John Comings, 2li.; Samuel Howlet, 1li.; Philip Welch, 10s.; Isack Foster, 1li.; John Willes, 1li. 10s.; William averil, 1li.; James How, jr., 15s.; neamia abbit, 1li.; Henary lenard, 5li.; Samuel lenard, 1li.; nathaniel lenard, 15s.; thomas lenard, 10s.; John goold, 1li.; thomas perkins, 3li.; Isack Este, 1li.; Jacob towne, 1li. 5s.; thomas dorman, 1li.; mikall donil, 10s.; Joseph towne, 1li. 10s.; old father how, 1li. 10s.; John french, 1li.; Joseph pabodi, 1li.; Jno. Low, 1li.; Mathew stanli,

11i.; Edman town, 11i. 10s.; William Smith, 11i.; Ed. Bridges, 11i.; Frances Pabody, 3li.; Ephrom Dorman, 11i. 15s.; John Ramsil, 15s."
—*June 24, 1679.*

Mr. Thomas Baker v. Mr. Jeremiah Hobard. Slander. By advice of the court, Mr. Hobard acknowledged he had done wrong and spoke without grounds or reason in court.—*Sept. 30, 1679.*

Daniel Clarke had his license renewed for a year.—*Sept. 30, 1679.*

Mr. Jeremiah Hubbard v. Thomas Dorman and Judeth Dorman, his wife. Slander. Verdict for plaintiff.

Writ, dated 19:9:1679, signed by Hilliard Veren, for the court and clerk for the town of Salem, and served by Willi. Perkins, constable of Topsfield.

Mr. Hubbard's bill of cost, 2li. 6s.

Sarah Wildes, aged about fifty years, deposed that having discourse with Judeth Dorman about three-quarters of a year before she joined the Church of their town, she asked deponent if there was not a place where it is said that Moses stood in the gap and wrath was stayed. Deponent answered that there was such a place. She replied that Mr. Hubbard had a Moses in his house, or else the wrath of God would fall on him. Deponent replied that many things were said about Mr. Hubbard which were not true. She replied that Mr. Hubbard was a sad man and if others knew as much as she did about him he would never have another member join the Church as long as he lived in Topsfield. Deponent replied that David, a man after God's own heart, fell and she answered that if we fall with David, we must rise with David. Later meeting with Judeth Dorman, deponent told her she heard that she was abusing Mr. Hubbard and that two persons had asked Mistress Hubbard about it, and the latter said that Judeth had only gone up to carry Mr. Hubbard's night cap, and went up and came down as fast as she could. Judeth said it was true, but he offered abuse, etc. Sworn, 26:9:1679, before Edm. Batter, commissioner in Salem.

Sarah Goold, aged about thirty-eight years, deposed that she being at Mr. Jereme Hubbard's house at Topsfield heard Goody Dorman say that she should go to Salem the next day if it were fair weather, and the Sabbath day night following deponent being at Mr. Hubbard's again heard the latter ask Jude Dorman to come and watch with his wife another night and Judeth replied that she was willing to do any good she could for Mrs. Hubart. Mr. Hubart said they must go and ask Hephsebah what night, and the latter said she had provided watchers for that night. John How being there went out and Mr. Hubart asked Judeth Dorman if he had gone away. She replied that he had not, but had only gone to fetch out his horse, and Mr. Hubert said

he wished to speak a word or two with him. Goody Dorman went out and Mr. Hubbert followed. Sworn, 26:9:1679, before Ed. Batter, commissioner in Salem.

Mary Courties, wife of Zacheus Courties, jr., deposed that she lived at her brother Pery's house and Mrs. Simans, wife of Mr. William Simans lived in one room of the same house. Mr. Houberd often came to Mrs. Simans' room and stayed until late at night, and embraced her and talked lovingly to her, with their faces close together, and she would sit on his knee and he often stroked her face. Once on a lecture day Mrs. Simans tarried at home and killed one of her fowls because she said Mr. Houbeard was coming that night, which he did and stayed late. Also on a Saturday night he tarried very late. Sworn, 24:9:1679, before Edm. Batter, commissioner in Salem.

Hepsebeth Raye deposed that her sister Judah Dorman watched with Mrs. Hoberd one night and brought her tallow candles with her. Sworn, 25:9:1679, before Edm. Batter, commissioner in Salem.

Samuell Howlett deposed concerning what Judeth Dorman told him happened one night when she watched with Mistress Hubberd. Sworn, Nov. 24, 1679, before Daniel Denison.

John Cummings, aged about fifty years, deposed that being at Thomas Dorman's, his wife Judith told him that for all he was such a friend of Mr. Hubbard's and stood so much for him that if he knew as much of him as she did, he would not say so much. Deponent asked her what she knew that was so bad. She told him of several occasions when he had kissed her, called her a pretty woman and offered abuse, once when she went to rake the fire for the night, and once in his chamber where Mrs. Hubbard sent her to arrange his bed. His words were not fit to be spoken. She said she had told John How of his actions. Deponent told her that How was no good friend of Mr. Hubbard's and asked her why she had not told "som fitter parson to divulge a matter of such a rate to." She said it was true and she would stand to it till she died. Sworn, 26:9:1679, before Edm. Batter, commissioner in Salem.

Wm. Howlett, aged twenty-nine years, deposed concerning what Judeth Dorman told him. Also that the second time she watched at Mr. Hubberd's she took a book and candle so that she might read, but Mr. Hubbard sat up late and told her that she would spoil her eyesight reading by candlelight. She kept on, thinking that he would go to bed and leave her, etc. She put the candle on a joined stool in his chamber, etc. He spoke words to her that she was ashamed to repeat. Sworn, 26:9:1679, before Edm. Batter, commissioner in Salem.

Mary Dorman, aged about twenty-six years, deposed as to what her sister Judith said to her. Sworn, Nov. 24, 1679, before Daniel Denison.—*Nov. 25, 1679.*

NEWSPAPER ITEMS RELATING TO TOPSFIELD

COPIED FROM SALEM NEWSPAPERS

BY GEORGE FRANCIS DOW

(Continued from Volume XXVI, page 140.)

NOTES ON THE "CATTLE SHOW" AT GLOUCESTER.

The only discussion of importance was with reference to the Treadwell Farm, in Topsfield, which, as it now appears, cannot be disposed of, under the conditions of Dr. Treadwell's will, without forfeiting the property.

The record regarding the sale of this farm is briefly as follows : A committee appointed by the Trustees ascertained that the farm could be sold to T. W. Pierce, of Topsfield, for \$7,000, payable in gold-bearing bonds of the Atlantic and Pacific Railroad, guaranteed by the South Pacific Railroad Company, and the buyer further guaranteeing the principal and interest. Mr. Pierce took possession of the farm on the 24th of April last, with the understanding that if the sale were not ratified by the society, he would pay \$500 for a year's rent. A special meeting of the members of the society was held in Plummer Hall, Salem, on May 16, at which twenty-two members were present ; and, after a pretty full discussion of the merits of the case, it was voted to authorize the sale, by a vote of 9 to 8.

General Sutton, after the record of what had been done was read, then stated that, notwithstanding the vote, he had been unwilling to sign the deed conveying the property, because two questions had been raised, — one the value of the securities offered in payment, and the other a question in the minds of the best lawyers whether the farm could be legally sold under the terms of the will. Under these circumstances he wanted instructions from the society, and would abide by them.

Dr. Loring then made a full and satisfactory statement with reference to both questions. He had examined the securities, and there was no doubt that they were ample and sufficient. The bonds as

guaranteed, and endorsed by Mr. Pierce himself, were no doubt a good and safe investment either for individuals or for an association. With regard to the legality of a conveyance, however, the difficulty was far more serious. Property devised for charitable or other public purposes with a condition that it shall revert to the heirs at law on the abandonment of the special purpose or object for which it was given, could be sold by the institution to which it was devised. But where the will provides that the property shall pass to some other institution in case the first fails to live up to the condition of the bequest, then the property cannot be disposed of, for by so doing the very right to it ceases. As Dr. Treadwell, in bequeathing the Topsfield Farm to the Agricultural Society for experimental purposes, made provision that the farm should go to the Massachusetts General Hospital in case the condition was not complied with, there seemed to be nothing for the Society to do but rescind the vote of last May, and then indefinitely postpone the whole subject, or else forfeit the farm. Accordingly the previous action was rescinded, and the subject of selling indefinitely postponed.

With reference to a question which was raised whether the farm was still conducted as an experimental farm, Mr. B. P. Ware and Dr. Loring both answered in the affirmative, the latter's remarks having a tinge of pleasantry and jocularity. The society had at one time attempted to conduct the farm by a committee; but this experiment signally failed. Next it was rented at \$250 a year, and this experiment was more successful, as the farm was returned in a better condition than when it was taken. Now the still further experiment is being tried of renting it for \$500 a year, with what result remains to be seen. These, however, are not the sole characteristics of the experiments that have been tried, but were merely thrown in by way of adding savor to the argument that the terms of the will have been faithfully observed.

Salem Gazette, Sept. 26, 1873.

It sometimes happens in *some* places, that when one makes an improvement on his buildings or about his premises, some of the neighbors are moved with jealousy or envy and cast invidious reflections upon what is being done, but not so in Topsfield, for when one makes an improvement here, be it ever so small, our citizens look upon it as so much gained in the looks of the town, and are not backward in expressing their appreciation of the change. So that the person who makes an improvement gains at least three points; first his place looks better, second, it is worth more money, and third, he has the approval of his neighbors, which is no small affair in any community.

Now to write out all the particulars of all of the improvements which have been made in town within the year would sadly tire your patience, and occupy too much of the space allotted to your County Gleanings, so I will just mention those who have not been mentioned in my previous communications.

Mr. T. W. Pierce having completed the alterations and rebuilding of his house, built a splendid stable for his horses, and otherwise improved his estate, has done more to improve that section of the town than has been done for a long series of years. Having been called to pass through many severe trials the past year, we hope that his troubles are now at an end, that he with his *recently acquired treasure* may long live to enjoy the pleasures and comforts of their beautiful and commodious home.

Mr. Webster continues to improve his place from month to month; indeed his has been a march of improvement ever since he purchased his farm and came among us, so that from a poor and "run out farm" with tumbled down fences and dilapidated buildings, he now has his farm in a high state of cultivation, surrounded and divided by good substantial stone walls and gates, and his buildings all in thorough repair, and it can truly be said of him that he has caused "the desert and wilderness to bud and blossom like the rose."

Messrs. Price & Shreve still continue the work of repair upon their place, and each season add new beauties, adornments and comforts thereto.

Other improvements have been or are being made by Mrs. Lucy A. Wright, Hiram Wells, Moses Wildes, J. W. Beal, J. H. Potter, Rev. A. McLoud, Mrs. Daniel Perkins, Andrew Gould, T. K. Leach, A. H. Gould, Benj. Kimball, Capt. Isaac Morgan, Jacob Kinsman, Daniel Towne, and Wm. Lock.

This reminds us that Mr. Lock has disposed of his estate to the Messrs. Perry; we are glad to have *these* gentlemen come among us, but unless Mr. Lock concludes to purchase another place in town, we shall wish he had not sold, for we cannot afford to lose a gentleman of so much public spirit, for no man since the days of Mr. Wm. G. Lake, and when he was in his glory, has done so much to improve the general looks of our town, as has Mr. Lock.

In the way of public improvements our town hall is well under way, our buildings at the poor farm are all completed and will compare favorably with those of any other like establishment in the county.

Our selectmen have established a public watering place in the centre of the village, in the shape of a good pump set into a never failing well of pure water. This certainly is a great blessing to both

man and beast. They have also caused our hearse to be newly painted and it now has quite an elegant appearance.

News is rather scarce here just at present as everybody is at work, and therefore have no time to make any.

Mr. Isaac Woodbury lost a valuable horse by death last week: he took him out of the stable, and drove him to Beverly, apparently as well as usual, but shortly after arriving he was taken sick of the colic and died in about an hour.

Salem Gazette, Oct. 10, 1873.

COUNTRY RAMBLINGS

The beautiful Indian summer weather we have been having the past week or more, is peculiarly inviting, not only for excursions as far away as North Conway and the Hoosac Mountain, where the autumnal hues are presented in the most attractive forms, but for the less ambitious modes of enjoyment which come from drives and rambles among the rural scenes of our good old county of Essex. And among the localities not inaccessible to common convenience, are those which lie within the range of a drive by our water works, along the Wenham road, possibly around the "back side" of Hamilton, and at any rate through Hamilton and down among the cluster of ponds of which Chebacco is the chief. These ponds and their surroundings, though always interesting, are never more inviting than at the present season, when the rich and mellow tints appear in their fullest splendor.

Another drive, or succession of drives and rambles, is that which extends through and among the towns of Topsfield, Boxford, West Boxford, and Georgetown. Topsfield village reposes in a hollow, and opens to the view with picturesque effect to one who approaches by the "River Hill." It is surrounded and inclosed by hills, and the various roads which lead out of town pass over or among them, and reveal, from various points, some of the choicest and most delicate autumn scenery to be found anywhere. Boxford, three miles distant, is perhaps more densely wooded, but is not, for the most part, so surrounded by hills as to admit of such marked scenic effects, though there is a rural aspect about its winding roads, its streams, and its various mills dotted here and there in the woods and away from the sight of the people, which we fail to find, in so marked a degree, anywhere else among the towns of this neighborhood. On the road from West Boxford to Georgetown there is a point within the limits of the latter place, which, in a season like the present, opens to the view a charming scene, which includes the Merrimack valley a few miles away, the houses and spires of Haverhill, and a blending of

hill and vale, upland and meadow, cleared lands and patches of tinted woods, that favorably impress the senses.

In Topsfield, some changes are apparent, most of which have been described with some degree of minuteness by the local correspondents who have an eye to the things in progress. Prominent among these are the new roads that have been laid out over the old Dr. Cleaveland place, and the lots of land that have been sold on that part of the above farm which belonged to Eph'm Peabody and Eph'm Perkins. Two roads have been laid out here, one a continuation of a lane previously existing, and extending, when completed, from the main road to the Newburyport turnpike, and thence to the Wenham road (under the title of Central street), and the other crossing this last at right angles on its way from High street to the main road. Land is thus opened to the market, and lots have already been sold to Messrs. Stanwood, Wm. P. Galloup, Jotham Welch, James Wilson, Frederick Stiles, and I. M. Woodbury, at prices varying from \$240 to \$400, mostly the latter sum or perhaps a little less. Land which formerly was worth \$75 an acre has thus been brought into a position where lots have been sold at the rate of from \$800 to \$1000 an acre, according to location.

Four other lots have also been sold in Topsfield within ten months, from the land of Thomas P. Emerson. These were bought by Mrs. Roberts, John Fisk, Albert Potter, and Benj. Hobson—the latter having resold his to Benj. Lane. All the back land was bought by Augustus Foster. The lots brought about \$100 each, and the two purchasers first named have already erected houses.

In addition to all this in the way of growth and a development of the town's resources, a new Town Hall is now in process of erection, and Wednesday last was eventful in the fact that it was the day appointed for the raising of the new structure. The work was successfully accomplished, and there would seem to be no doubt that, whatever deficiencies in the way of a public hall the town has heretofore labored under, there will soon be accommodations that ought to be large enough to admit the utterance of the most widely divergent thoughts at election times, and the wonders which the travelling showmen have to reveal, besides containing all the town records, including a full statement of the public indebtedness of the people.

And this opens a question which to-day exercises the minds of the good citizens of Topsfield, and causes them to consider whether there will be compensation enough in the outlay which a majority of the people have voted, to cover the drawbacks which pertain to a heavy town debt. By the last annual statement of the town's financial condition, it appears that the debt amounted to \$20,700; and we

should think it probable that the building of the Town Hall, with the extraordinary road expenditures that are in progress, would be very likely to double it by the time the new building is completed. This is certainly a large debt for a town of the size of Topsfield, and the people will do well to consider that, in all human probability, there will never be any other way of paying this debt, principal and interest, than that of taxing the property of the people. Once in a very great while a man grows up into the possession of immense wealth, whose ambition takes the form of having his name perpetuated through the medium of a municipal corporation. Such a man may, like Mr. Wakefield of South Reading, have an eye to business and strike up a bargain by which he agrees to liquidate the town debt if the town will put on and wear his name henceforth and forever. But such cases are rare, and we might doubt if such a stroke of fortune (if it be such to put aside an honorable and good sounding name rich in pleasant associations and traditions), could ever be confidently relied upon in the case of the good old town of Topsfield.

We do not say all this for any purpose of obtruding any criticisms upon the action of the people of Topsfield, or to question the wisdom of their judgment. Their needs, requirements, and conveniences, are better known and appreciated by themselves than they can possibly be by any one else. But the general topic of municipal indebtedness is one that is always timely, and one that is of great business importance to every place; and though the poll tax payer may possibly reason upon the assumption that, because the taxes are paid, in the first instance, by the property holders, the matter is one of little real importance to himself, such reasoning is fallacious both in theory and reality. The illustrations may be less marked in small municipalities than in cities, where an increase of taxation, immediate or prospective, is one prime cause for a marked advance in rents particularly, and often in other departments of daily living. Heavy indebtedness and high taxation are very apt to retard the general business prosperity of a place; and no class is more dependent upon general business prosperity than that which is made up of those people whose capital consists of their labor, which is their only stock in trade. Another class in every community whose claims to regard are too little considered, is that composed of people who have completed the toils of life and seek, in their declining days, the comfort they have earned, in that very moderate competency which requires the strictest and most rigid economy in daily living. This class ought not to be carelessly or thoughtlessly ignored in the consideration of great enterprises which involve increased taxation upon the property of the people, for they represent a position which is all that

the majority can hope to attain in the way of material comfort. To men of large incomes a few dollars upon a thousand in the matter of taxation is of little account: but to moderate property owners, farmers who handle little money, and the common people generally, the matter is one of great concern. So much for city and town debts as an abstract question.

Salem Gazette, Oct. 22, 1873.

The town of Topsfield occupies the centre of Essex county. It is about half way between Boston and Newburyport, on the Boston and Maine Railway. On the south and on the north are hills of considerable magnitude, and between them reposes the pleasant valley of the village. Ipswich river meanders through its southern fields, "and binds, as with a silver braid, the green mantle of the plain."

The strong, productive hills of the south were once the possession of the first and great Governor, John Endicott, one of the greatest names in American history. On the northwest stretched the wide estate of Ivory Hovey, who was the first native graduate, and who left a diary for sixty-five years "of his long, pious and useful life," comprised in seven thousand pages of short-hand. On the northwest lay the domestic acres of Deputy Governor Symonds, "a man of high consideration in the colony." To the east, "in the most convenient place to Gov. Endicott's farm," lay the rich, rural home of Gov. Simon Bradstreet, where he enjoyed his "ease with dignity," when temporarily released, worn and weary, from the cares of state. "His was truly 'a great and fortunate name.' For more than sixty years he held, by annual election, a high place of honor and power." Here was the accomplished and celebrated Anne Bradstreet's home, where, beneath its virgin bowers and along the river side, she wooed the cultured Muse. Bradstreet and his lady came over in 1630, leaving the comforts and privileges of rank to embellish the wilderness with the learning of Cambridge, court refinement and princely wealth.

The records of those days and the records of to-day exhibit the names of Perkins, Bradstreet and Endicott; of Gould, Peabody and Towne; of Clark, Commings, Wilds and Andrews. Those were days requiring physical vigor and moral courage; quick perception and ready action; official dignity and unswerving integrity—requiring men who know the right, who love it, and who dare maintain it. The archives of Topsfield show a record second to none of her sister towns.

Here, too, at a later period, was, for many years, the possession and summer residence of Hon. Benj. W. Crowningshield, who was a man of great wealth and for a time Mr. Madison's Secretary of the Navy. Here is an admirable specimen of that defunct Herculean

labor, the Newburyport turnpike, and more anciently the tragic witches here plied their craft. The Crowningshield estate *crowned* the southern hills, contiguous to the "Dodge Farm" in Danvers, now spoken of as a site of the State Lunatic Hospital, and is now the possession and residence of Thos. W. Pierce, Esq. From any of the heights, and especially from Mr. Pierce's, the eye grasps a richly varied and extended landscape; or reposes, with gratifying pleasure, upon the rural beauty of the cheerful dwellings, the white spires and school-houses and the bustle of business of the thriving village below.

The river at the south and Pritchard's lake at the north invite to piscatory recreations and regale the palatic relish with pickerel and perch, but never more with the legion-swarming alewife or the bone-burdened shad.

The soil, though sometimes hard to work, is generally deep, strong and satisfactorily productive; the rural districts comprise many valuable farms; the village has a very extensive interest in the manufacture of shoes of all kinds. Every year is marked by many substantial improvements. Individuals are establishing homesteads, and erecting dwellings, and embarking upon a new business or extending an old one. This year Mr. Pierce has expended \$50,000 in improvements upon his farm. The town, in its corporate capacity, has opened several new streets, to accommodate a manifest desire for pleasant and healthful homes, has lavished repairs upon her roads and bridges, and during the past week has raised the frame-work of of a commodious and beautiful Town House. The building is 80 feet long by 46 feet wide. The first floor furnishes, at the front, on the right of the main entrance, the Selectmen's room, 16 by 16 feet, and the left, the Treasurer's room, 16 by 23 feet; in the middle, on the right, the library room, 26 by 31 feet; on the left middle, a recitation room, 26 by 13 feet, and in the rear, the High School room, 30 by 32 feet, with ante-rooms *a la mode*.

On the second floor is the public hall, 45 by 56 feet, with gallery extending over the ante-rooms of the hall, and from the front 23 feet. The building will be furnished with all the modern appointments. The common pitch roof covers the structure, while the central tower, supported on either side by a smaller elongated tower, gives the front elevation a French or Mansard appearance. An ample portico protects the main entrance. Mr. Wilson of Salem, who furnished the machinery for raising, pronounced the frame and the work as good as any he ever put together. The house will cost about \$15,000, and will be a beautiful and, we hope, a lasting memorial of that enterprise and thrift, that Puritan virtue, and that love of social order which so characterized the words and ways of their noble ancestry.

Boston Journal, Oct. 23, 1873.

The Republicans of Topsfield held their caucus on Thursday evening, Oct. 23, at Union Hall, to choose delegates to attend the convention to be held at Lynnfield, Tuesday, Oct. 28, to nominate a candidate for Representative to the next General Court. S. S. McKenzie was chosen Moderator and Dudley Bradstreet, Secretary. The following were chosen delegates: M. B. Perkins, J. W. Rust, Charles W. Gould, E. F. Perkins, F. Stiles, Daniel Fuller, Jacob Foster, Josiah P. P. Perkins, and they were instructed to fill vacancies that might occur. The town committee chosen were S. S. McKenzie, E. F. Perkins, William Welch.

John Bailey, Esq., moved, and it was carried, that a rallying committee be chosen, consisting of twenty-five persons: Ezra Towne, J. W. Batchelder, D. Bradstreet, John Bailey, John H. Potter, F. Stiles, Charles Herrick, William Rea, B. C. Dodd, S. S. McKenzie, E. F. Perkins, C. H. Holmes, Daniel Fuller, Daniel Clarke, Jere. Balch, Everett C. Taylor, F. Smerage, Moses Wildes, 2d, C. J. P. Floyd, David E. Davis, A. S. Peabody, Webster P. Gallop, Proctor Perkins, Dennis E. Perkins and E. Kimball Foster, were chosen that committee, and to distribute votes.

Mr. Bailey moved, and it was carried, that the doings of this caucus be sent to the Gazette office, for insertion in that valuable paper, and that it be understood that no other notice will be necessary for the rallying committee to receive of their election to this office.

Mr. Bailey moved, and it was accepted, that fifty cents be given to Taylor, and the same amount to Wildes, for services at the hall, and sixty cents to purchase three gallons of oil for Union Hall, and the amount was collected for that purpose.

The gathering was the pleasantest for years; good humor prevailed, and much mirth was created by all present. Per order of meeting.

Salem Gazette, Oct. 24, 1873.

Business seems to be in a state of quiescence here, at the present time. The shoe manufacturers have stopped work till after Thanksgiving. Other mechanics appear busy enough, however, and the ring of the hammer sounds as lively as ever in the vicinity of our common.

Messrs. Herrick, Bailey, Aaron Andrews, &c., deserve the thanks of the community for their well-timed and successful efforts to give this place a town hall. The ostensible reason for its erection was, in the language of our longest if not our greatest man, to elevate the town; but the most palpable reason was because the church members would not admit all sorts of entertainments into Union Hall, and because that hall was considered too low and too small for all public business.

The new hall already rears its colossal proportions before the delighted eyes of our light-footed gentry, as their prospective hopping place. Many of the farmers feel sore upon this subject, and want a law enacted whereby the poverty stricken masses shall be prevented from voting away the money of economical and thrifty people.

Topsfield seems to be afflicted with the hen fever. Messrs. Morgan and Whipple, it is said, are keeping or intending to keep 4000 hens; Mr. Levi Pearson intends to keep 1000 hens at his old home in the Pines, and to hatch chickens by steam in a patent incubator, and Mr. A. H. Gould has had, as is well known, a large poultry department for some years.

You make your County Gleanings a very interesting portion of your paper, but do not your correspondents rather overdo the matter when they descend into the minutiae of affairs? One is almost afraid to pick up a pin, or tear his shirt, for fear of the notoriety he and the tailor who repairs the garment will acquire.

Politics are very dull here.

The tightness of the money market is felt here as everywhere else, and probably causes the general stagnation in business.

Salem Gazette, Oct. 31, 1873.

A friend in the town of Topsfield thinks we "were a little hard" on that excellent town in a recent article making incidental reference to some of its local affairs. We had no intention, either of being "hard" on the town or even of criticising any of its public measures, which its own people are certainly able to take care of without any outside interference whatever. The fact that the town debt of Topsfield was a topic of discussion among its own people we did make a text for some general ideas upon that subject which it seems to us are important in the abstract and profitable for all municipalities to consider carefully. The town debt is now about \$20,000, but the rate of taxation has been raised this year from \$12 to \$19.50 on \$1000, for the purpose, as we are informed, of liquidating full twenty-five per cent. of the indebtedness. It is believed, partly in view of this fact, that, on the completion of the new hall, the public indebtedness will not exceed \$30,000, which we certainly hope will be the case. Topsfield is one of the pleasantest old towns in the County of Essex, and the people will no doubt find its new hall an attraction, which possesses many real advantages. Now that the question is practically settled, we hope the two parties which the enterprise has created, will strive, not only to live harmoniously, but to make the new hall all that its best friends may claim for it in the way of making the town an attractive and desirable place to live in.

Salem Gazette, Nov. 7, 1873.

On Thursday evening, 20th, the Odd Fellows gave an entertainment in Union Hall, consisting of two amusing farces, music by a band from Haverhill, a promenade, and very good supper.

On Thanksgiving night an entertainment will be given at Union Hall, under the auspices of the Ladies' Society of the Methodist Church. The entertainment will include amusements, refreshments, and a promenade concert, with music by the Boxford Brass Band. It will begin at half past seven, and the admission will be twenty-five cents, children half price.

Salem Gazette, Nov. 26, 1873.

OBITUARY

Miss Deborah J. Kimball, of Topsfield, daughter of Benj. Kimball, Esq., died in Portsmouth, at the house of her uncle Nov. 30th, aged 43 years. She left her home about the middle of September, in hopes that by a visit among her friends, she might recruit her health, which had been declining through the summer. But though cared for with the tenderest assiduity, she continued to fail till life ceased.

Salem Gazette, Dec. 5, 1873.

The Methodists of Topsfield will hold their fifth annual fair, festival, exhibition, and concert at Union Hall, on Wednesday and Thursday evenings, of next week. The Boxford brass band will furnish the music, and many attractions are offered.

Salem Gazette, Dec. 12, 1873.

A few weeks since, while the freight train of cars was nearing the station in Newburyport, on the B. and M. branch from Newburyport and Danvers, a young man, acting as brakeman from Topsfield, a son of Mr. Charles Winslow, got off the train to adjust the switch, and caught his foot between a sleeper and rail in such a way as not to be able to extricate it, when the engine wheel ran over his toes, badly jamming them. Dr. Tilton, of Newburyport, dressed his foot, and the next day he was carried home to Topsfield; but in a few days mortification set in, and it was found impossible to save his foot, which was amputated a few days since by Dr. Hurd of Ipswich, assisted by Dr. Allen. He is now doing well. Young Winslow has the sympathy of all who know him, as he is an active and smart young man.

Salem Gazette, Dec. 19, 1873.

Wednesday evening, the 24th, was observed here for Christmas by the Congregational Society, in their church. A prominent object was a large and beautiful tree, loaded with gifts for all gathered to

enjoy the evening's entertainment. The exercises commenced at seven o'clock, consisting of singing by the choir, assisted by other singers. The rest of the singing during the evening was executed by the young ladies of the Sunday school. All were delighted with their efforts. The speaking, as well as the singing, by those who assisted, was a perfect success. The distribution of gifts from the tree caused much merriment, the names being called by Rev. J. H. Fitts and A. Conant, Esq., and carried to the recipients by a number of prompt lads. Among the presents was a large turkey for their present pastor, an elegant clock for Dr. J. Allen, and other beautiful and useful gifts for others that might be mentioned. Allusion should be made to two presents, taken from the tree, one being a handkerchief labelled "E. K." The announcing of these two letters was enough to cause all in the house to shout with laughter; the other for the same person, was a boot jack of huge dimensions; all given and received with great pleasure; it was pronounced by all to be the cause of most of the merriment of the evening. Thanks are due to all who so generously aided in trimming the church and assisted in making the enterprise so perfect a success. It certainly was a merry Christmas eve to all.

Salem Gazette, Dec. 26, 1873.

There is said to be a prospect of the old Topsfield Academy being got into running order under very favorable auspices.

Topsfield sends nineteen scholars to the Putnam school in Newburyport, who as well as some half a dozen others from Boxford and Groveland, use the Newburyport branch of the Boston and Maine as a conveyance.

Salem Gazette, Jan. 23, 1874.

Fire—On Tuesday, Feb. 16, the house near the poor farm, owned by Mr. Dudley Perkins, and occupied by Mr. Edward Hall, was destroyed by fire. Mr. and Mrs. Hall were both away when the fire broke out in the L. The children were in the other part of the house, and knew nothing about it until the next neighbor, Mrs. Dudley Q. Perkins, seeing the flames, came to give them the alarm. The house and furniture were totally destroyed without insurance. The loss falls very heavily on Mr. Hall, whose means are not large; but his townsmen are doing something to repair the loss.

Salem Gazette, Feb. 24, 1874.

School Examination.—The examination of the South school took place last Friday afternoon and evening. Miss Laura H. Lake, the teacher, is a native of this town and a graduate of the Normal school, Salem, and this being her first attempt at teaching it may be well to

remark that the excellence in their studies to which the scholars had attained, is due both to the energy and perseverance which she has put into her work, (having a burning desire within her to excel as a teacher), and also to the rigid discipline and eminent instruction which she received at the institution from which she graduated.

Miss Lake has had charge of this school for one full school year, and has resided with her parents at the village, two miles from the school house, the whole time, and has walked the distance to and from school (four miles) nearly every day, summer and winter,—probably upwards of five hundred miles—and in no case, either in summer's heat or winter's cold, in autumn's mud or winter's snow, has our school house been closed on a school day,—but on every day, promptly at 9 o'clock in the morning, and at one in the afternoon, has she been in her desk, ready to commence the exercises of the session. So much for the teacher—and where shall we look for her equal?

But the rare merits of this school, exhibited in all of the exercises, deserve especial commendations and praise. From a district school, where the classes range from the smallest primary to the most advanced in our public schools, and the ages of the scholars in about equal proportion from 4 to 16 years, we should hardly expect to find excellence in any study; but in this we were very much surprised to find that one fourth of all the scholars had passed through all the intermediate branches and thoroughly mastered the highest mathematics taught in our public schools. The examination of the first class in arithmetic was especially gratifying, inasmuch as problems given by the committee outside of the text book were solved with an ability and promptness unsurpassed by any prepared exhibition. The class in mental arithmetic, which comprised nearly one half of the scholars, were able to solve the most difficult problems in Eaton's Mathematics with perfect understanding and readiness. But these were samples only of the perfection achieved in every branch taught in the school. So much labor as had been bestowed by the teacher in thoroughness in advancing the scholars, that the exhibition given in the evening by the same scholars surprised us even more than the examination in the afternoon.

During the interval between the exercises of the afternoon and evening, it had become pretty well understood around the neighborhood, and the word had extended even as far as the village, that there was material in the South School worth noticing and as a result, at an early hour, the house was completely packed with eager listeners, filled with high expectations.

The space allowed for this article will not permit a full description of the very interesting entertainment, but the repeated applause

elicited from the audience, throughout the entire exercises, gave assurance that their highest expectations were fully realized.

We notice the names of Hall, Towne, Peterson, Welch, and Chamberlain, in the exercises worthy of special commendation. But Master A. Burnside Floyd, in "A Smack in School," and "The Knife of my Boyhood," and Miss Abbie Peterson, in "Excelsior," and "Old John Burnes," can rarely be excelled, either in city or country.

The entertainment closed about 9 1-2 o'clock, and we all retired to our homes well pleased with what we had seen and heard,—congratulating ourselves and our school committee that they were not obliged to go out of town for a first class teacher, and rejoicing at the prospects of a triumphant future for the "Old South School."

The town of Topsfield appropriated \$1500 for schools, \$900 for roads and \$7600 for other purposes. It was voted to abolish the board of road commissioners, and the following town officers were elected:—Selectmen, Salmon D. Hood, Dudley Bradstreet, Ariel H. Gould; town treasurer and collector, J. P. Gould; town clerk, J. P. Towne; assessors, Jeremiah Balch, M. B. Perkins, S. A. Merriam; school committee, S. A. Merriam, J. A. Lamson; highway surveyors, David Clarke, E. P. Andrews, S. W. Perkins, Thomas Cass, J. A. Peterson, C. J. Peabody, J. W. Towne, J. W. Beal, W. J. Savage; overseers of the poor, Dudley Bradstreet, J. H. Potter, Richard Ward; constables, H. W. Lake, C. J. P. Floyd, James Wilson.

Salem Gazette, March 11, 1874.

Essex Agricultural Society.—The committee having charge of the Treadwell farm, have leased it to Thomas W. Pierce, Esq., of Topsfield, for the term of seven years, at \$500 per year. He is to manage it in a husbandlike manner, and apply twenty-five cords of manure, or its equivalent, *in part* in special fertilizers annually, and to conduct such experiments as may be ordered by the committee. The experiment arranged for the next three years is designed to test the value of some of the most celebrated special fertilizers, in comparison with barn manures, and the result will be published in the transactions of the society. The society some years since, built a substantial barn on the farm, costing about twenty-five hundred dollars, but have since received rent sufficient to balance the account, so that the farm is not now indebted to the society, and besides this valuable barn the farm has been much improved by good cultivation, and the application of manures, till its present productiveness is very creditable to the management.

By the annual report of the School Committee of this town, it appears that, during the past school year, there was expended for the support of schools \$1,749.77. The largest number attending the

schools between five and fifteen years was 206; number under five, 3; over fifteen, 16. A detailed report of the condition of the several schools is given, and in their general remarks the Committee express the opinion there is now too much mere training of the memory and too little education of the mind to conceive and reflect. They also commend that feature of Spartan education which taught young people how to obey, as it is only by learning how to obey that one becomes competent to command. The common idea that children should never be compelled, but only induced to do what is desired, the Committee think has been rather overdone; and they urge the infusion of more energy, spirit, and vigor in the pursuit of study, and more rigorous discipline in government.

Salem Gazette, May 6, 1874.

FOR SALE.

A beautiful message in Topsfield on High street, 40 rods of land (and more is wanted) covered with apple, pear, peach, and ornamental trees, and small fruits in abundance. The House is of modern design, 12 rooms, with wash room in the basement. Carriage room 12x20, stable 30x20, with room finished on the second floor suitable for a small manufactory, four stalls—two for horses, two for cows, cellar under the whole, piggery and henery, all connected and in thorough repair, three minutes walk to depot and churches, and less to schools.

Parties wishing a quiet home in a good neighborhood, should examine this estate. The price and terms are liberal. Apply at this Office, or to B. P. ADAMS, Postmaster.

Salem Gazette, May 6, 1874.

In TOPSFIELD several veterans of the late war, who belong to the Grand Army Post in Georgetown, performed the sad but pleasant duty of presenting the annual offering consecrated to the memory of the fallen ones who lie buried here. They did their work without "drum or funeral note," and their action is entitled to the highest praise, inasmuch as they were obliged to leave early in the morning for Georgetown, where a hard day's work awaited them. We take the liberty to append their names; Messrs. H. H. Potter, D. E. Hurd, A. J. Phillips, E. T. Phillips, E. Fuller and C. H. Clark.

Salem Gazette, May 6, 1874.

There has recently been formed a Division of the Sons of Temperance in this town, which numbers about 90 members, and is in a prosperous condition.

Salem Gazette, June 9, 1874.

Humphrey H. Clarke, son of David and Mary P. Clarke, died Feb. 17. The June 12, 1874 issue of the *Salem Gazette* has a 31 line obituary notice, containing little biographical matter.

A field meeting of the Essex Institute took place yesterday in the town of Topsfield. . . . Topsfield has a town hall nearly completed, but which will not be ready for use for some time to come at least, though it has for many months served in supplying a town topic of no ordinary magnitude for those inclined to dwell upon the subject of taxation. . . .

B. P. Adams at one time kept the Topsfield hotel on the turnpike. He still keeps the postoffice in the familiar village store and continues to weigh the Salem and other folks after they have spent their summer vacations under the influence of the Topsfield air. . . . The party visited the old Gould house (now a barn) owned by Frederick Elliott. . . . Its huge oak timbers (13 x 16 and 8 x 15) the brick lined walls, and the old fashioned lathing, are a real curiosity.

For account of the proceedings at the literary exercises, see the *Gazette* and also *Essex Institute Bulletin* for 1874.

Salem Gazette, June 19, 1874.

Tuesday evening was a glorious time for Topsfield. Strawberries never tasted better, and other viands were delicious; and the band did splendidly—the music could not have been better. Thanks from all are due for their success in their first appearance in public.—May they soon, with full ranks, all present, be pleased to again discourse their music to hundreds of interested listeners. That band stand must be built now. Where are the subscription papers? Please show them to all; and on the common, every week, we may enjoy as good music as Boston.

The festival was a perfect success. Nearly 75 dollars were realized towards purchasing an organ for the Division. Thanks are due to committees, assistants, speakers and singers. All did well. We were encouraged by a large number present of Floral Division, from Georgetown, which rendered great service and interest to our efforts in having a good time.

The Topsfield Division of the Sons of Temperance numbers one hundred in round numbers; and still they come, and still there is room. All are welcome to become Temperate in all things. Soon there will be 99 to join at one time. Then we shall feel strong in the cause.

Salem Gazette, July 1, 1874.

OBITUARY NOTICE OF ZACCHEUS GOULD

WHO DIED JULY 5, 1874.

Died in Topsfield, July 5, 1874, Mr. Zaccheus Gould, aged 84 years, 5 months, 17 days. This event has thrown into deep affliction an extensive circle of children, grand-children, and great-grand-children, with other numerous connections more or less nearly related. His loss will be deeply felt in the community where he was so long a resident. He was universally respected. As an affectionate husband, judicious parent, kind neighbor, good citizen, and constant attendant on divine worship, he was a model for others to follow.

Mr. Gould was descended in the sixth generation from Zaccheus Gould, the earliest recorded settler of Topsfield, in 1643. Many of his ancestors have been distinguished for personal bravery, patriotism, virtue, and intelligence. He was the son of Zaccheus and Anne (Brown) Gould, born Jan. 19, 1790, the fifth of ten children. "Baptism, Feb. 28th, 1790; Zacheus, son to Zacheus Gould, Jr." He was then only forty days old. It is said that his parents hastened to present the first child for baptism by their young, new minister, the Rev. Asahel Huntington, ordained 22d November previous. In repeating the story, Mr. Gould used to say that he himself was so young at the time as not to recall the fact with certainty. However it may be as to Mr. Gould's baptism being the first administered by Mr. Huntington, it is certain that his marriage was the last solemnized by that clergyman previous to his own death, April 22, 1813. "Marriage, Nov. 2d, 1812; Zacheus Gould, Jr., and Anne Hood, both of Topsfield." The sixtieth anniversary of this wedding was celebrated Nov. 2, 1872, when a large company of descendants, relatives and friends met at the old family mansion to congratulate the aged couple on the auspicious occasion. Mrs. Gould survives her husband. Six of the ten children by this union are also living.

No person is now living who joined the church under Mr. Huntington's ministry. Five persons joined in marriage by him still survive, each having lost a companion by death: Lydia (Gould) Todd, Mary (Averill) Gould, Benjamin Town, Hezekiah B. Perkins, Anna (Hood) Gould. The persons baptized by Mr. Huntington in the last century and now living are, Huldah (Gould) Perley and Dr. Humphrey Gould, an older sister and a younger brother of Mr. Gould; Rev. Jacob Hood, Richard Hood, Mary Hood, brothers and sister of Mrs. Gould; Daniel Boardman, Ira Porter, Nehemiah Cleveland, Aaron Conant, Nehemiah Perkins, Benjamin Town.

Mr. Gould retained his physical and mental vigor to near the last, and his accurate knowledge of the local history of the town was quite remarkable. He was accustomed to relate the following reminiscence of Mr. Huntington and his young bride coming to town, some seventeen months after his ordination. She was Althea Lord, of Pomfret, Conn. They came to Topsfield on horseback. It was known that they would spend the night before their arrival at the famous Bell Tavern, then in Danvers. Here they were met by a large delegation from Topsfield, also on horseback, the ladies in silks and the gentlemen in the best their wardrobes afforded. Mr. Gould remembers his mother's silk dress, so firm of texture as almost to stand if not to walk alone. Mrs. Huntington felt deeply mortified at meeting so finely dressed a company, since her husband wore his second best and somewhat seedy suit, while she had on a gown of her own spinning, weaving and fitting. The cavalcade galloped into town and up to the parsonage, a fine old mansion now occupied by Mr. Jacob Kinsman. Here the party formed in two ranks, on either side of the way, through which the bridal pair were to reach the door. Jacob Kimball, of musical fame, acting as voluntary master of ceremonies, assisted the bride to dismount, and was the first to salute her with a kiss of welcome and escort her to the well-furnished table within.

The minister and his accomplished wife were highly beloved and respected by their parishioners. The only known exception was the quaint Henry Bradstreet. He killed off his hens, and with an oath gave his reason. It will be borne in mind that Mr. and Mrs. H. were from Connecticut. Mr. Bradstreet took umbrage at his fowls, because, as he said, they fell so far into the Topsfield fashion as not even to lay an egg without the whole brood setting up the everlasting chorus, "Connecticut, cut, cut, cut, cut, Connecticut."

Salem Gazette, July 21, 1874.

The Essex County Temperance Union held a successful meeting in this town last Wednesday, and the people of the place evinced interest in the proceedings and displayed their usual spirit of hospitality. The meeting was held in the Congregational Church, and the discussions, forenoon and afternoon, were quite earnest. The arguments were, for the most part, such as the public are familiar with; but the official action of Gov. Talbot was warmly endorsed, and the general progress of temperance ideas passed in review in contrast with former times. Rev. Edwin Thompson and B. R. Jewell, Esq., were among the speakers in the forenoon, and resolutions endorsing Gov. Talbot were introduced and adopted, after some discussions, generally in the affirmative, in which Rev. Messrs. McLoud and Fitts of

Topsfield, Rev. E. W. Hassengton of Beverly, B. R. Jewell, Esq., of Boston, Isaac Hardy, Esq., of Peabody, and others took an active part. Refreshments were served in the basement of the Methodist Church, and when the meeting adjourned, it was to meet in Lawrence on the first Wednesday in November.

Salem Gazette, August, 12, 1874.

Topsfield can boast of a town clock, in good running order, placed last week in the new Town Hall, which is nearly completed, and which is large and commodious for all practical purposes. It is regretted that it is not in readiness for "Comical Brown," who visits this village Thursday evening of this week, at Union Hall. Give him a full house, as he is worthy of the patronage of all.

Soon in this musical town there will be a singing school, for those desiring to be instructed in the rudiments of music. Efforts are being made for such a school, to commence in a few weeks, as the evenings are now of sufficient length for that purpose. As soon as a sufficient sum is raised for this object, it is hoped that an efficient and successful teacher will be secured. All desiring instruction in this branch of accomplishments are cordially invited to become members.

The Sons of Temperance in this town now number over a hundred in their division, and they all go for the re-election of Gov. Talbot, as all good temperance people will.

Salem Gazette, Sept. 2, 1874.

The LeGroo Festival.—The members of the LeGroo family held a re-union at the residence of the oldest living sister, Mrs. Sally P. Rose, in Topsfield, Tuesday, Aug. 25. There were about 75 in all, the ages ranging from seventy-five years to seven weeks. This gathering comprised the descendants of Samuel LeGroo, whose father lived in Reading and served in the Revolutionary Army where he was taken prisoner and died at Halifax. His son Samuel lived for many years on the Peabody Farm, and had ten children, viz:—Samuel, now living at West Peabody; Sally P. Rose, living in Topsfield where the gathering was held; H. Parker, of Danvers; William P., of Milford; Edmund, deceased, father of Policeman LeGroo;—Polly P. Rose, deceased; Lydia Towne, of Natick; Hannah P. Knapp, of Beverly; J. Warren, of Danvers, and Lucretia Osgood of Dover, N. H.

The forenoon was spent in various ways; the matrons chatted in and about the house, of the past; their brothers examined the farm stock and crops, and the cousins went berrying in the woods. A table was improvised by means of carriage-house doors and barrels,

and we doubt if ever a dinner in a first-class hotel was enjoyed more thoroughly than was that feast on a rude table in the open air.

The afternoon was passed much like the forenoon and when the evening shades began to fall, the horses were hitched up, good-byes were exchanged, and then the train was in motion, homeward bound, all well pleased with the day's doings.

Salem Gazette, Sept. 4, 1874.

It is desired that a singing school be taught in this place, to commence in a few weeks in Union Hall. All who wish to become members can do so by calling upon C. Winslow, Dr. Hurd or W. Perkins. The services of E. P. Wildes of Georgetown, can be secured, and about one hundred dollars will be necessary to meet the expenses, or about five dollars for each evening. All who desire such a school, can have the pleasure of aiding, either as scholars or complimentary members. Both are cordially invited. The price for instruction will be one dollar for ladies, and two dollars for gentlemen; but larger sums will not give offence. Payment will be expected on the twelfth evening of the course, in order that the last night may find every dollar paid. This effort for a school will need the encouragement of all, to make it a success.

The Picnic held in Towne's Grove on Tuesday of last week, was enjoyed by all present. The band kindly aided with their excellent music, and they have the best wishes of all, that success may always attend them.

Base Ball is again in order.

Salem Gazette, Sept. 16, 1874.

We are having fine weather for harvesting, and our crops are abundant. Our barns are well filled with hay of the first quality and there is a very heavy second crop. Potatoes are good (not much rot) and are yielding well. Corn is better than for several years, and, although our farmers did not plant so much as in some years past, those who did are getting splendid returns for their labor. Pears are very plenty, and our peach trees, which, for a dozen years past have been like Mike Murphy's pig, "neither useful nor ornamental," have this year seemed to be trying to atone for their past uselessness by bearing full to their utmost capacity. And of apples we have, with the rest of the county, an abundance, more probably, than have been raised in any one year for ten or twelve years.

Business of all kinds is as good here as could be expected under the circumstance, and our manufacturers seem to be doing a safe and sure trade, and *all* seem well satisfied.

Our citizens seem determined to keep up with the pace of the age, on improvements, and many of them have taken advantage of the

past dull season to work about their own premises, thereby finding healthy employment as well as a real gratification in the improved appearance of their property and also of its increased money value.

Among the most noticeable are those made by Mr. Wm. P. Walsh, on the old Cornelius Bradstreet estate, purchased last fall;—by Mr. Andrew Pierce, on the J. Town estate, purchased last spring;—by Mr. Stanwood, on the old Cleveland place;—by Mr. Benj. Jacobs, on his new building and surroundings;—and by Mr. Wm. Gallup on his buildings near the depot, the latter being now occupied by the new and enterprising firm of Lane & Frame, shoe manufacturers.

Among the new buildings erected this summer we notice a nice French roof cottage house, just finished by Messrs. Cummings & Hill, of Ipswich, at the junction of Railroad Avenue, and—I wish some one who has the authority would name our new streets—well, I will call it Woodbury street, (because Mr. I. M. Woodbury built the first building on it, and his was the first family to take up its residence on it) for Mr. Jotham S. Welch, said by most people to be the handsomest cottage in town.

Mr. Warren Prince, of Beverly, is now building a cottage house with mansard roof for Mr. Austin Lake, on the West side of Lake's hill, to be finished before cold weather. Mr. Daniel Willey is building a house for Mr. Webster, but for what use "deponent saith not." This also has a mansard roof, and is near Mr. Lake's new house.

While carpenters from out of town have been at work here on private residences, our carpenters have been busy finishing the town house, and have erected two dwelling houses and their appurtenances in Boxford. Our town hall is nearly finished; but more of that hereafter.

Among the new comers into our quiet town, last spring, was a *Gentleman* by the name of Chas. S. Wiggin, who has bought out the restorator established by Mr. Lane, and has so remodelled, rearranged and refitted it, that it is now a pleasant and commodious drug store, and our citizens now have a careful and experienced apothecary, who is ready, able and willing to attend to their calls day or night. This is a desideratum which has long been felt, and we hope that Mr. W. may meet with the encouragement that he so richly deserves. But I am claiming too much of your valuable space, and with one more item will close.

During a stroll about our pleasant village the other day, we chanced to drop into the slaughtering establishment of Mr. Isaac M. Woodbury, when we met his trusty, faithful and superlatively neat foreman, Mr. David E. Davis, who kindly conducted us through the whole establishment, and willingly answered all of our questions,

and readily explained the whole *modus operandi* of the business. But the coolest treatment we received was when he opened the door of the meat room and bade us enter. We should call it an Arctic Ice House, but we were informed that its proper name is the Robertson's patent refrigerator. This was indeed a cool operation and our teeth soon began to chatter and we were right glad when our pilot concluded that we had seen enough of the inside of this Alaskan prison. But *whew!* Mr. Editor, just think of an ice chest large enough to hold whole oxen, and lots of them too, and twice as many sheep, and loads of calves, I don't know how many in number. But its size and temperature were not all that we noticed about it, for the workmanship of the whole structure was something which immediately attracted our attention; but when we were informed that it was built by our old time friend, Wm. B. Morgan, Esq., of Wenham, why we just ceased to wonder that the doors swang so well and shut so tightly; and that after so severe a trial as the heated atmosphere outside and the exceedingly cold inside, that there was no warp, swelling, or sticking to partition, door or window, for Morgan understands his business, and it is just as difficult for him to do a poor job of work as it would be for a goat to talk Latin; and this job shows the impress of his master hand and mind, and if any want to see a fine piece of work, just let them call in at Mr. Woodbury's and satisfy themselves that this is no exaggeration from OCCASIONAL.

The Republicans of Topsfield met in caucus, in Union Hall, on Monday evening, for the purpose of choosing delegates to attend the convention at Worcester, Oct. 7th, to nominate candidates for all State officers, to be voted for at the election in November next. B. P. Adams, Esq., was chosen moderator, and J. M. Batchelder, Esq., secretary. The delegates chosen were Richard Phillips and Augustine S. Peabody; and it was voted, without opposition, that the delegates be instructed to vote for Hon. THOMAS K. TALBOT for the next Governor of the State.

Salem Gazette, Oct. 7, 1874.

OUR NEIGHBORHOOD.

A FEW NOTES PERTAINING TO TOPSFIELD.

The past week or ten days has been particularly favorable for trips into the country, and of all the towns in this neighborhood few present more natural charms than Topsfield. The railroad connection with this place is not good; but this deficiency is very well supplied by Mr. Webber of the Danvers coach line, who makes a trip

from the Eastern Railroad depot at eight o'clock in the morning, in season to connect with the train from Danvers over the Danvers and Georgetown road, and this is really a very great convenience. A friend of ours for several mornings in succession has improved the fine autumnal weather by taking a trip to Topsfield, there procuring a team, and thence striking out in different directions—to Byfield one day, Andover another, and so on to the complete exploration of the region round about. And a more sensible way of obtaining recreation, and at the same time becoming familiar with the topography of Essex County, it is difficult to imagine.

The business of Topsfield does not change much from year to year. It is an old farming town, the farmers pursuing their vocation, from year to year, with apparent contentment and a good degree of thrift. A few shoe manufactories give employment to a considerable number of people, and thus far business has been reasonably good considering the general condition of trade throughout the country. Topsfield, we judge, is likely to become more and more attractive, from year to year, as a place of summer resort, for its hills and drives are very attractive to sojourners from the city. During the past summer, and indeed for several years, there have been many boarders here from Salem and elsewhere; and from the good accounts which they bring home, both of the people they meet in town, and the natural attractiveness of the place, it is likely that Topsfield will continue to grow in the favor of the outside world. Within a year or two new roads and streets have been opened and old ones improved, and the village bears the marks of general thrift.

We were quite struck, during a recent visit, with the extensive prospect as seen from the hill near the new road by Capt. Morgan's. The view is less picturesque, perhaps, than that which includes the village as seen from the River Hill; but it is very extensive, and diversified with hill and vale. Away off in the direction of Wenham may be seen Mr. Willard Smith's house, which possesses at least the distinction of being the last house in town in that particular direction. To the right, through an opening, may be seen the grove at the Asbury camp-ground. Standing conspicuously upon an eminence toward the north, is the Price and Shreve house, built some years ago by Mr. Lake, and much improved under the new proprietorship. The fine looking and well-kept Webster place may also be seen from here, as well as the two meeting-house spires, which peep above the intervening hills. From the field near the cider mill of Mr. Daniel Towne, near by, an extensive and attractive view toward the west is presented, and the smoke may often be seen streaming up from the tall chimneys in Lawrence. This of course, is but one of the numerous eminences in town from which fine views may be obtained.

The village of Topsfield is henceforth to be graced with a Town Hall, which is now very nearly completed, and which will probably be duly dedicated in the course of a very few weeks with such ceremonies as are usual on such occasions. There has been, first and last, a good deal of rancorous feeling engendered by this enterprise, in which the prospect of a considerable addition to the town debt, added to the average degree of jealousy that is apt to be felt against expenditures for the alleged benefit of "the village," by those living a few miles out upon the solitary roads,—contributed, at one time, to breed considerable dissatisfaction. But the building of the structure has been prosecuted with such good judgment, that it is believed the work will be eventually accepted with a pretty general feeling of satisfaction. Contrary to what is the rule with most enterprises, it has been built within the appropriation of \$13,000, exclusive of the furnishing. It will afford fine facilities for concerts, entertainments, and lectures; and it must be confessed that the town has heretofore been very indifferently supplied with facilities in this direction. We can see no reason why the hall should not contribute to make the town additionally attractive as a residence, and, now that it is finished, we hope our good friends will forget their former differences and unite in making their hall effective in promoting the social intercourse of the town, and the pleasure and elevation of the people.

Salem Gazette, Nov. 4, 1874.

A singing school is being taught here by Mr. E. P. Wildes, of Georgetown. Upward of 80 scholars attend, besides good singers who are present. Good order prevails, and all take a deep interest and are making rapid progress in the elementary parts of music. We have but one difficulty to contend with, the school has made an expense of purchasing tickets of admission which are not transferable. The school has decided not to admit those who have not purchased a ticket, for the reason that to enjoy the amusement or receive any benefit from the school, all should meet their part of the expense. It is required that all persons attending the school will first procure a ticket of the teacher or committee, and show the same to the door keeper each evening of the school. Should there be on any evening, a person present without a ticket, no surprise need be manifested if they should be requested to purchase a ticket of admission, which is \$2.00 for gents, ladies, \$1.00. Measures will soon be taken to care for certain persons who do not belong to the school, but persist in entering the entry and hovering about the hall, with tobacco and other means of annoyance attempting to disturb the school. Their names are known, and they will not be obliged to make many more efforts in that direction before an arrest will be

made, and they will be dealt with as the law directs. All singers and well disposed persons are cordially invited to become members of the school, as it is the interest of all for them to do so.

Salem Gazette, Dec. 2, 1874.

There will be very interesting Christmas festivities, under the auspices of the Ladies Society of the Topsfield M. E. Church,—consisting of music, song, recitation, drama, dialogue, poem, Christmas tree, Asiatic scenes, &c., &c. This entertainment will continue two evenings, Christmas eve and Christmas night, Dec. 24 and 25.

We doubt not the numerous readers of the Mercury, will hail with pleasure the appearance of the interesting native of Turkey, *Decran Serope Creco Kavalgian*. In full Turkish costume he will give us many instructive and amusing as well as truthful illustrations of the religious and social manners and customs of his country, which he left but a few months ago. This will be the rare opportunity of a life time. For a trifle you can see what might otherwise cost you a trip across the ocean, if you will be present at the entertainment mentioned above.

The Selectmen have adopted rules which are to be framed and posted in the Town Hall, with the view of preserving its good appearance and taking care that disorderly conduct shall not be tolerated there. Every inhabitant should feel it to be a duty to see that there shall be no occasion to apply the law in any case.

On Monday, officers Jackman, Harriman and Manning, of the State Police, arrested Wm. Smith, Chas. Smith, Parker Welch, and Alvin Welch, members of the so called "Mulligan Guard," for drunkenness and disorderly conduct. They were taken to the Salem Police Station and will be arraigned.

Salem Gazette, Dec. 23, 1874.

THE TOPSFIELD TOWN HALL

A FULL REPORT OF THE DEDICATION—THE ADDRESS OF DR.

LORING, DESCRIPTION OF THE HALL, AND SOME ACCOUNT

OF THE EVENING PROCEEDINGS.

The new Topsfield Town Hall has just been completed, and it was duly dedicated to public uses on the afternoon and evening of Wednesday, Dec. 16, in the presence of large audiences which must have numbered full six hundred people at each meeting. This hall, like all public enterprises of like nature, has been built in the face of much opposition, based not upon the idea that such an institution is not a good thing in itself, but upon a belief that the town ought not

to incur the outlay in the existing condition of its finances. For several years the subject had been prominent in the town meeting discussions, and from time to time special meetings had been called upon the subject. In March, 1873, however, it was not only voted to build the hall, but a building committee was appointed, consisting of Messrs. Charles Herrick, Joseph W. Batchelder, John Bailey, John H. Potter, Ezra Towne, Dudley Bradstreet, and Wm. E. Kimball. The only count taken at this meeting was on a vote to pass over the article, 76 to 95. After some early contracts had been made, a town meeting was called to secure a change in the location, but under circumstances which led the advocates of the enterprise to believe that its entire abandonment was the real object. But at any rate, by a close vote, the action already taken was adhered to—the voters, on a poll of the house, having been drawn up in two lines on the common. The exact votes were as follows: In May, 1873, a motion to pass over an article proposing to change the location, was carried, 75 to 71. In June, a motion to “rescind all votes passed at the town meeting on the fourth of March in relation to the building of a town hall,” was negatived, 102 to 108. From this time the work has progressed uninterruptedly; and the committee, with much labor, and greatly to their credit, as now universally acknowledged, have bent their best energies to securing a good hall, which will be found well built and well finished in every particular, and which has cost within \$200 of the \$13,000 appropriated for the purpose. The expense of the furnishing is about \$1700.

The hall is deemed sufficient for the present and prospective needs of the town. The size of the building is 80 by 46 feet. On the first floor are two rooms for town officers, 16 by 23, one of which is suitable for a public library. In the rear of these is a hall 26 by 45 feet, for a reading and library room, or which can be used for lectures and singing school purposes. On the same floor is another commodious room with ante-rooms attached, suitable for a high school, and capable of accommodating 60 or 70 pupils. On the second floor the town hall is provided, 45 by 56 feet, with gallery and commodious ante rooms, the entire seating capacity being about 600. Upon ascending the stairs, a marble tablet has been placed upon the wall in commemoration of the soldiers who fell in the war. It contains the following inscription:—

“In memory of the soldiers of Topsfield who gave their lives in the cause of their country during the war of the rebellion.

“John H. Bradstreet, James Brown, Moses Deland, Royal A. Deland, Albert Dickinson, Otis F. Dodge, Lieut. James Dunlop, Swinerton Dunlop, Wm. H. H. Foster, Murdock Frame, Mich. R. Clispen,

Emerson P. Gould, Wm. H. Hadley, Geo. P. Hobson, Francis A. Hood, Daniel Hoyt, John Hoyt, Austin S. Kinsman, Alfred A. Kneeland, Henry P. Kneeland, John Warren Lake, Chester P. Peabody, Lewis H. Perkins, H. Hanson Roberts, Daniel H. Smith, John P. Smith, John Stevens, Eugene H. Todd, Wm. Welch, Jr., Hayward Wildes."

The furnishing of the hall is of a neat and substantial kind, and the hall itself looks quite brilliant when fully lighted, with its bracket lights and two neat chandeliers. There is also a clock in the tower with convenient dials, and, with the aid of an electrical wire, it strikes out the passing hours upon the bell in the steeple of the neighboring church. This clock was paid for through the instrumentality of an amateur dramatic club composed of the young people of the town, while the cost of the electrical connection was defrayed by certain citizens.

In the erection of the new structure, Messrs. Lord & Fuller of Boston, drew the plans; Mr. Samuel Todd, of Topsfield, laid the foundation work; Mr. J. H. Potter, of Topsfield, had charge of the building; Norton & Manning, of Swampscott were the masons; Thomas & Griffiths of Boston the slaters; and J. V. Porter & Co. of Beverly the painters. The furnaces were supplied by Mr. Whittier of Peabody, and the other fixtures were from Boston.

The public exercises of the afternoon began at about two o'clock, and Benjamin Poole, Esq., presided. An introductory prayer was offered by Rev. J. H. Fitts, pastor of the Congregational Church. Then came the report of the building committee, which was read by its chairman. Mr. Charles Herrick, who gave the keys to Mr. Poole to be passed over to the Selectmen. Mr. Poole then read a communication from the dramatic club giving the particulars of the town clock history, and their raising, by public entertainment, \$325; and he passed over the keys to Mr. Dudley Bradstreet, the chairman of the Selectmen and a lineal descendant of old Gov. Bradstreet, who had an extensive land grant in the town. Mr. Bradstreet, in brief and proper terms, accepted the keys, and, in the name of the Selectmen, accepted the hall and the clock, and expressed satisfaction with the work. The Chairman of the meeting then made a few introductory remarks in which he spoke of the natural beauty of this town, and in no unkind terms of the opposition which this enterprise had met with, at the same time citing many public improvements elsewhere in proof of the necessity and wisdom of public enterprises. The other exercises, which followed in due order, were an eloquent Address by Hon. Geo. B. Loring, a Poem by Mrs. J. R. Peabody, and a Poem extemporaneously and well delivered by Chas. H. Holmes, Esq., which, in apt and ready rhyme, chronicled the history of the

enterprise to the evident amusement of the audience as well as to the general acceptance. It should also be said, here, that, at suitable intervals in the programme there was good music by a native choir under the leadership of Mr. Ephraim Averill, and also by the Topsfield Brass Band, which, after an existence of only about six months, acquitted itself, throughout the day, with much credit both to its members and its leader, Mr. Jeremiah Balch. It was lead, in the evening, by Mr. Theron Perkins.

ADDRESS OF DR. LORING.

Dr. Loring commenced by alluding to the charm which surrounds the municipal history of this ancient Commonwealth. The sturdy enterprise which called the towns into existence, the strong and abiding faith which sanctified their birth, the establishment of those institutions of learning and religion which have grown at last to be the crowning glory and the power of our land, the stern demands and protests of that early town meeting, the simple joys and the touching trials of our ancestors, the earnest endeavors after self-government, the valor which filled the young men, the self-sacrifice which supported the old men, the patient and cheerful courage of the women, the constant adventure, the vital force of a society in which all were equal, and where wealth made no distinctions, the familiar Puritan names, the simple ecclesiastical organization, the psalm in the wilderness, the earnest prayer, the embrowned and faded town-record, the small contests, and the great purpose,—all fill me with delight as I explore the past and unravel the story of a brave and hardy people, planting the highest form of state and society in a new world, and filling the solemn aisles of the gloomy forest with their plaintive songs and their fervid prayers. No great historical events touch so tender a chord in the human heart, as do the personal and social incidents of the brave little municipalities of New England. Their earnest and positive characteristics always arrest our attention. It is in accordance with their spirit and genius, now a part of the American nationality, that the structure just completed here, has been erected, a monument to intelligent American suffrage. It may be classed among the representative and significant buildings of the world,—such buildings as may be found in all ages and all countries indicating popular genius. It is from the architectural remains of Greece and Rome that we learn as much of those nations, as from their books. So it is in England; and so in America. For ourselves we have arrived at a time when our most elaborate efforts in building, are for the purposes of state, or the accommodation of business, or the wants of a church, or the work of popular education, the es-

pecial duties assigned to the American people—the objects to which their peculiar genius is devoted. And so this Town Hall, dedicated as it is to public work, and to education, stands here a temple erected by freemen, enjoying civil rights and privileges, to popular education and popular suffrage—a high school for the preparation of young men for their duties as citizens, and a town-hall in which they may exercise the highest prerogative of citizenship. Here are planted the two great pillars upon which our civil institutions rest; and if you will remember the long and weary journey which man has travelled to reach that point of political elevation where the school-house and the ballot-box are open to all, you will recognize the significance of this simple structure, whose walls are radiant with a glory unknown to temple or arch, dedicated to civil or religious despotism and power. That the journey has been long and weary, the history of suffrage, even in Massachusetts, from the early days of restrictions until now, will testify. Now on membership of the church, and now on property has this right even here been based—a right whose value is in proportion to the effort through which it has been gained.

The part performed by Topsfield in this effort, and in what may be called the municipal history of our country, commenced early and has always been important and honorable. Here Gov. Endicott and Gov. Bradstreet had large landed possessions. As early as 1650 it became a town; had the usual contests about boundaries; was threatened by savages; was rent by religious controversies; was swept by the storm of madness called the "witchcraft delusion;" sent its able-bodied men into the armies; and grew into a strong town organization. The people of Topsfield have always stood firm in the critical periods of our history. In 1683, they protested against surrendering the charter at the behest of Charles the Second; and John Gould one of the leading men here at that time was fined and imprisoned for declaring to the company which he commanded, "If you were all of my mind you would go and mob the Governor at Boston." In 1766, when difficulties began to arise between Great Britain and the colonies, Stephen Perkins the representative of this town, was advised to hesitate long before remunerating Gov. Hutchinson and Sec'y Oliver for damage incurred by the Boston riots. In 1770 the people of this town assembled to consider the grievances under which the colonies were laboring, demanding constitutional rights, and commending those merchants who would not import goods from Great Britain. On the 18th of May, 1773, it was voted here, that the town would be ready at all times to defend their lawful rights and liberties. On the 14th of June, 1776, a vote was passed in favor of independent American nationality. It should be a matter of pride that in that

hour of trial when a wise mingling of audacity and sobriety was required to lay the foundation of our Republic, Topsfield enrolled herself among those immortal towns which cherished the spark of national independence and wisely and at a proper time fanned it into a flame. And when the institutions then founded were threatened with overthrow, the town, true to its inheritance and to the spirit of its founders, rallied to their support. On May 17, 1861, the town resolved to organize a national guard for the preservation of our national integrity. And as in the early wars, and in the Revolution she sent the best of her men into military service, so in the civil war was she lavish of her money and prompt in sending forth her sons. As Boynton fought at Port Royal, and Israel Davis in the French war and Benjamin Gould at Lexington, and Francis Peabody at Quebec, and Israel Herrick in battle after battle of the Revolution, so one hundred and thirteen of the men of Topsfield struck sturdy blows for freedom at Antietam and Gettysburg, and waited and watched by their camp fires for the dawn of that morning, when the loyal hosts passed through the gates of Richmond and planted the flag of a triumphant Republic upon its rebellious ramparts.

But as we contemplate that portion of this building assigned to the work of education, we cannot forget that this was one of the chief corner stones of the Republic. To this also has Topsfield been true. The schoolhouse was an early institution here, erected in obedience to that spirit which led the colonists to found a college and support the schools. There can be no doubt that to the existence of these schools, the towns owed much of their promptness and spirit in acknowledging the early progressive tendencies of our country. The early educational acts of Massachusetts are most striking. The early educational enterprises of the towns are most admirable. The work in this direction has never faltered. And we view with pride our increasing schools, and our vast expenditures for education, which last year amounted to more than six millions of dollars. It is a part of the municipal glory of Topsfield that in this work she has done her share.

It is indeed gratifying to know that the public buildings erected here have from time immemorial been dedicated to some higher purpose in connection with the customary duties of a town organization. The first structure erected here by the people was a meeting-house; the second was a meeting-house; and so were the third and fourth. In these buildings dedicated to religious worship, the people were wont to assemble in the discharge of those great public trusts which were given to their care, when colonies were founded and towns organized on these shores. Their first care was religious instruction

as the foundation of christian society. And to them it was most fitting that the meeting-house and the town house should come under one roof. Nor is this sentiment yet extinct. As it was once the Temple of Religion within whose walls the people assembled, so now it is the Temple of Knowledge. It is upon a pure heart and an enlightened mind that the people would lay the sound foundations of the State. And so they build now for a civil service based on intelligence and honesty. Around this structure which will long stand as a monument of the wisdom and generous purpose of the present generation of the men of Topsfield, may there gather, year after year, the faithful representatives of those who gave this town its high character in the beginning, engaged still in the noble work of self-government and social elevation.

MRS. PEABODY'S POEM.

Neighbors and friends, we meet to-day,
Happy, in this appointed way,
Our new hall to dedicate;
Its worth to this community,—
The great convenience it will be,
Let us try to estimate.

We know, indeed, these modest walls
Will not compare with city halls,
But, thanks to our Committee,
They, knowing what we needed here,
Conformed all plans to that idea,
And a grand success we see.

Just note the time-piece in the tower,
Tranquilly ticking each true hour
Then giving intimation
To its neighbour—the church steeple
To announce it to the people,
As due its higher station.

And then this tablet see, where stand
The names of that dear soldier band
Who the fate of warriors met :
A fitting tribute paid to those
Who on our battle-field repose,
But whom we shall ne'er forget.

And may the long-wished time be near
When a choice library shall here
Be formed for our improvement ;
The voice of lecturers be heard,
And latent native powers be stirred,
To aid in each good movement.

And when the guardians of the town
Write taxes *up* or taxes *down*,
With these accommodations
We doubt not equity will shine,
So visibly from every line
'Twill save all disputations.

And then to add the crowning grace,
The ladies have a promised place
To hold their festal parties ;
They hope, with programmes pure and bright,
Pleasure with profit to unite,
As their peculiar art is.

And so we dedicate our Hall,—
And may it fully answer all
Our highest expectations ;
Thus—be an honor to the town,—
Thus—a rich legacy go down
To future generations.

THE EVENING.

In the evening there was another gathering in the hall, at which there were addresses, a promenade concert, and, still later, a little dancing by the young people, which was continued until about twelve o'clock. At the earlier part of the exercises, Mr. DUDLEY BRADSTREET presided, and introduced the speakers. The following is an abstract of what was said :—

Mr. N. A. HORTON, of Salem, in a short address, endeavored to impress the importance of recognizing this hall as a place which shall send forth influence, not only elevating to this particular community, but which shall do something in giving tone to public affairs and infusing integrity into the public life. Among other things he said :

This comely building which you here publicly dedicate, takes its place, today, among the established institutions of your picturesque and thriving town. The last of you, and of many more to come after you, will have lived and passed away, before this structure will

have earned the venerated and almost sacred title of the "*Old Town Hall*," in which, to the youthful imagination, will be associated the counsels of wise men who, to them, lived long, long ago. It is for you to say whether the counsels that here find utterance shall be wise counsels to the justification of future judgment. And here let it be said, if there is a man in all this town to whose mind this building looms up as a monument of unjustifiable expenditure and unwise public action, may he thoughtfully consider that while he would have fallen short of his public duty in doing otherwise than raising his voice, at the right time, in opposition to its establishment, now the time has come when it is equally his public duty to recognize this as one of the town's established institutions, to be cherished, and used, and perpetuated as an educational influence by which the people of this community may receive that valuable instruction in public duty and American citizenship which is to be derived from the lyceum, the public meeting, and the frequent taking of counsel together in that bulwark of American liberty, the town meeting.

The public schools are justly maintained as a necessary auxiliary to our form of government. Deriving its power from the people, that government will reflect, in a great measure, the character, the intelligence, and the moral spirit of the people. Our schools are intended to impress upon the youth of our land the rudiments of common knowledge, the necessity of self-discipline, habits of application, and the general principles of morality. But all this, though a necessary part of American education, is *only* a part of it, and loses much of its value without that wisdom, sound judgment, personal independence and sense of individual responsibility, which are necessary in giving tone to the public life. Observation, common sense, and that knowledge which is to be obtained by frequent intercourse with one another, are great necessities in promoting the best interests of a community, and infusing a spirit of disinterested devotion into public affairs. There is great moral power in the shoemaker's shop and the discussions at the village grocery. The town hall is a seat of power in which thought compares notes with other thought, and culminates in public action. Let no man consider himself too humble or insignificant to have an influence in the moulding of the public will, for with men, as in all things else, we trace the greatest results from beginnings that do not impress us with magnitude.

Several citizens of the town followed with brief and informal remarks. Rev. ANSON MCLOUD, beginning with an anecdote, expressed the wish that the selectmen and building committee might live long to see all the benefits from this new hall which had been predicted. He made no concealment of the fact of his opposition to

the enterprise, and took exception to a few things that had been publicly dropped during the utterances of the day, expressing, among other things, the idea that praise and liberality would belong to us if we of the present day actually paid for the hall, but not if we transmit to posterity the debt incurred in its construction. But he said he should be happy to do everything in his power to make this hall the instrument for promoting the virtue and happiness of the community.

B. P. ADAMS, Esq. said he agreed with the various speakers that the hall was in itself an honor to the town, and that the building committee are entitled to great credit for the manner in which they had conducted their work. For himself he had been among those who had educated himself to be content to go without luxuries which he felt that he could not afford; and in a similar spirit in behalf of the town he was not among those who favored the building of this hall. But he hoped the institution would be no bone of contention here, and he certainly should harbor no unkind feelings toward any person who voted for it, and should always continue to pay his taxes cheerfully and willingly. Mr. Adams concluded by introducing

Mr. POTTER KNEELAND, of Harrison, Me., who left Topsfield sixty years ago and who had found his way back here on the present interesting occasion. Mr. Kneeland spoke in a low tone, and a considerable portion of his remarks were not distinctly heard by our reporter. Among his sayings, however, he said that if he had been asleep all this long time he should not now know where he was, so many had been the changes since he went away. He was born in 1798, and told where the old house was located in which he was born. At that time the town officers went from house to house to transact their business, and did all the public work without pay. He knew of but two men living who were here at the time he lived in the town. He also indulged in some other reminiscences which were not distinctly heard.

Rev. J. H. FITTS said we are already reaping a part of the benefit of this hall in these public exercises, and this coming together here to make each others' acquaintance. He then proceeded to portray a certain class of needs that he thought ought to be met in founding a public library, and in establishing a cabinet of local relics and scientific curiosities. His requirement was for books of reference and the preservation of local histories; and in connection with what he said, he paid a compliment to the town clerk for the fidelity with which he guarded the town records against liability to loss.

The speaking was concluded with a short poem describing Topsfield as viewed from the River Hill, by C. H. Holmes, Esq., who gave the picture in terms which showed that there was at least one citizen who had a sufficient liking for his own town to regard it as, of all other places, the "home of Holmes."

At this meeting, letters were announced from Messrs. John Batchelder of Lynn; Jacob Batchelder of Lynn; Albert C. Perkins, principal of Exeter Academy; and Rev. E. P. Tenney, of Ashland.

Salem Gazette, Dec. 23, 1874.

Christmas Eve was appropriately noticed by both the religious societies of this town. The Congregationalists decorated their church, and in the evening held a meeting, at which there was music by the choir and a very handsome Christmas tree, which was loaded with handsome presents, many of which were quite valuable. There were interesting remarks by Rev. J. H. Fitts, and the occasion was one of pleasure and profit. The Methodists had a Christmas tree in their vestry (Union Hall), with music by the Topsfield brass band that was well rendered.

On Christmas Night (Friday), the Methodists held a festival in the new Town Hall. The attendance was large, and all performed their parts well, as laid down in the programme. The brass band, under the direction of Theron Perkins, performed with credit to all concerned, and it is hoped the organization will find sufficient encouragement to ensure its permanency.

On the same night, there was a very enjoyable observance at the old homestead and farmhouse of Mr. Ephraim Perkins. Between fifty and sixty persons were present, and the leading feature was a Christmas tree, from which the gifts were dispensed with much aptness by the impersonator of Santa Claus. A bountiful repast was provided, and there was good music, both vocal and instrumental. The company kept together until a late hour, all were pleased with the tree and its generous bearing of fruit, and in every respect the occasion was one of much enjoyment to all who participated. At this gathering, some verses, written by R. Daniels, and well read by Miss Hattie Richardson, were presented. Expressing pleasure at meeting under the ancient roof, and making reference to the duty and pleasure of honoring and respecting our parents, the writer proceeds in verse as follows:—

Seventy years have passed away,
But yet our parents with us stay;
Many thanks should we return
That still their lamps hold out to burn.

As we all know, the old must die ;
And so must you as well as I,
The young are often called away,
Those whom we think so long may stay.

Here is a table neatly spread
With something more than fish and bread ;
Turkeys, chickens, puddings and pies,
All pleasing to the taste and eyes.

The table is filled with the best of fare,
Such as the farmer can prepare ;
And after supper we will go
And see what Santa Claus will show.

The children march to the Christmas tree,
Thinking old Santa they will see ;
The tree is loaded with many a toy,
Well suited for each girl and boy.

There are presents here I think for all
Whom Santa may see fit to call ;
And as we make our evening call
A merry Christmas to you all.

Departure of a Citizen.—In these times of our annual merry-making and festivity we regret to miss the presence of our friend Mr. CHARLES J. P. FLOYD, who has been especially identified with these occasions for many years, and who is now about to leave for the distant state of Alabama. As a man of usefulness in our midst, his place cannot be easily supplied. While he has received the approbation of the citizens of the town by being elected from time to time to various offices of responsibility and trust, his genius and ability have been especially prominent in influencing and instructing the minds of the youth. He was elected for many years Superintendent of the Sabbath School in the Methodist Society, in which capacity he was especially successful. When the crisis of the country called our young men to her assistance, Mr. Floyd was found in the foremost rank of volunteers. He served honorably three years in the war without the recompense of bounty other than that of his own patriotism. As he leaves this place he carries with him the best wishes of many friends. We hope soon to have an account from him, through this journal, of what he may see and learn in the land of the sunny south.

Salem Gazette, Dec. 30, 1874.

A meeting was held at Topsfield, Dec. 21, of persons interested in establishing a Free Town Library. Mr. Samuel Todd was chosen moderator, and a committee appointed, consisting of Messrs. S. A. Merriam, A. McLoud, J. Allen, H. Balch, J. H. Fitts, to collect parts of several small libraries now in town, and also to present plans for the formation and regulation of said library. The committee reported, Jan. 2. They had found the old book-case with about 90 books of the "Topsfield Library Society" established in 1794. Also several books belonging to the "Athenaeum Association" organized in 1840. The proprietors of the "Agricultural Library" contribute their 100 volumes to the town. The "Ladies' Society" connected with the Congregational Church, generously deposit their valuable library of 250 or more volumes for the purpose. The "Magazine Club" furnish nearly 100 useful volumes. Besides, there are parts of several District Libraries which are available.

Subscriptions of money and books are to be solicited. Mrs. Blake one of our summer boarders from Salem,—generously heads the list with \$100. Another individual gives \$100.

Members of the committee had visited libraries in adjoining towns to consult their rules and regulations. They further recommend the town to appropriate and furnish a suitable room with sufficient cases, to deposit the Selectmen's library in it, and to appoint committees to regulate and control the library. There seems to be a commendable interest in this excellent work throughout the town.

An Odd Fellow's Lodge was instituted in this town Thursday afternoon. Members of Agawam Lodge, No 52, of Ipswich and Protection Lodge, No. 147, of Georgetown were present. The Lodge will be known as Fountain Lodge, No. 170. Frederic Willcomb, of Ipswich, was appointed as District Deputy Grand Master. A set of regalia was presented by Protection Lodge, and a purse of one hundred and fifty dollars by Agawam Lodge.

Salem Gazette, Jan. 6, 1875.

JOHN H. POTTER of Topsfield is a native of Ipswich, but educated in Topsfield, where he is a carpenter and builder by occupation. He has served as one of the Overseers of the Poor for ten years, but is new to legislative honors. A Republican, in favor of prohibition if the law can be executed.

Salem Gazette, Jan. 20, 1875.

TOPSFIELD TOWN HALL.

[The following is the speech, in verse, of C. H. HOLMES, at the dedication of the Topsfield Town Hall, Dec. 16, 1874.]

Good people all, it seems to me
I owe you an apology.
A week ago I chanced to meet
Mr. Charles Herrick on the street.
This gentleman in his wide scope
Proposed me as a "forlorn hope."
(A forlorn hope, you'll understand.
Is a sort of desperate band,
Called out to make a first assault
When other means are all at fault).
He said "that I might stand around—
If other speakers were not found,
I'd be called out and say my say,
In my plain, common, off-hand way.
Now this short notice was well meant,
Intended as a compliment.
He thought I'd rhymes at my command,
Could always speak these rhymes off-hand.
True, rhyming costs me no effort—
I utter rhymes oft-times in sport—
But on occasions such as now,
More perparation need, I trow;
For 'twere an insult to your sense,
A sham, a cheat, a false pretence,
For a man to get up and speak,
And utter things both tame and weak,
And hem! and ha! and choke, and stick,
When he should go it glib and slick.
All public speakers ought, in fact,
To possess a peculiar tact;
And more than all, their knowledge box
Should be stored with all kinds of stocks,
So at the pomp, feast, lecture, fete,
They can with ease appropriate;
But the trouble is to select
Just what we need, and this connect,
For even of our greatest men
Not one can do it out of ten.
A small man who can concentrate
Will oft appear to be quite great,
Who knows how much his gun carries,
And ne'er a bursting charge applies,
Conscious that he's both safe and sound

While marching upon his own ground.
 Another, who is truly wise,
 May ne'er to his true station rise
 Unless he understands the art
 To manage his defective part.
 Great Jefferson had not a bit
 Of what we call the ready wit,
 But when called on would ne'er refuse—
 Then gain delay by some excuse—
 He knew his weakness and his strength,
 And needed time to go his length.

But I am wandering from my theme—
 The New Hall subject here I mean.
 A beautiful Town Hall we've reared ;
 When first designed, 'twas greatly feared
 So good a hall could not be made
 For thirteen thousand dollars paid.
 But the whole thing is completely done,
 "From turret to foundation stone ;"
 And the whole thing's done complete,
 Convenient, useful, plain, and neat ;
 And the entire expense has come
 Within the limits of this sum.
 To the committee be all praise,
 (For in them, the chief merit lays),
 And honoring these men, I'd call
 This hall erected, *Herrick Hall*.
 Praise to our fair, the noble dears
 Who helped us with their hopes and cheers.
 Praise to each kind and class of men,—
 The helping hero citizen
 Who've helped us on in any way,
 And cheerfully their part will play.
 What part will play? what part? what part?
 'Tis but the base, this work of art,
 The means by which we'll elevate
 And raise ourselves to high estate,
 Where we'll be free as free can be,
 In learned moral liberty.

As I came up our New Hall stair,
 On the first landing I saw there
 Inserted in the entry wall,

As seen, and read, and known by all,
 A tribute to our hero dead—
 The people's voice, it may be said—
 Just tribute to our fallen brave,
 Who died their country's cause to save—
 Who died this union to restore—
 Who died for this, who died for more—
 Died to remove foul Slavery's stain,
 Man's sale of man, the galling chain,
 And made us free'st of the free
 In civil christian liberty,
 Where all men, all, both black and white
 Have equal privilege and right.
 Of these I'd say, with one inspired,
 Whose harp to lofty strains was lyred
 E'en in great Virgil's words I'd say,
 In his famed *Æneadic* lay,
 "Thrice four times happy they
 Their country's call obey,
 And for their country die,
 Fighting for liberty."
 Or in the words of one less known,
 Whom we may proudly call our own,—
 "Hail! all hail! the patriot's grave,
 Valor's venerable bed;
 Hail! the memory of the brave,
 And the memory of the dead.
 Honored, thrice honored, be their name,
 And their rich reward be this,—
 Immortality of fame,
 Immortality of bliss.

[MUSIC—"America."]

Ladies, gentlemen, of all ranks,
 Please to receive our grateful thanks
 For your attendance, presence here,
 And for your close attentive ear.
 Thanks to our President, whose grace
 Dignifies and adorns his place;
 And's the handsomest best drest man
 E'er graced our chair, or ever can.
 Thanks to the speaker of the day;
 We, by his oratoric way,

The "admirable" term accord
In graceful manner, matter, word ;
Indeed his name bespeaks far more,
As Lor(e) ring or the man of lore.
And my hope is the time's not far
When he will be our *Governor*.
Of our odist I'll not say much ;
We know that lady's wonderous touch,
The sentiments she can inspire,
The thoughts that breathe, the words that fire.

Now, saying what I had to say
Upon the subjects of the day ;
Forgetting not the Hall report,
The clock gift, matters of that sort,
Forgetting not the speeches said,
Forgetting not the letters read,
Forgetting not our Topsfield Band,
The glory of our Topsfield land
Forgetting not the chorists skill,
Led by Professor Averill,
All being noticed, I propose
To take the seat from whence I rose.

—O terque, quaterque beati,
Queis ante ora patrum,—
Contigit oppetere!—

Salem Gazette, Jan. 20, 1875.

The ladies of the Congregational Society will give an entertainment at the Town Hall, on Thursday evening of this week. Songs of the olden time will be appropriately rendered by singers in ancient garb, but youthful graces. There will be exhibited a collection of antique and interesting articles of household furniture and domestic machinery, which have been displaced by modern inventions, and their use explained by a committee whose memory extends (for this occasion) back to the time when all these things were in constant requisition. A variety of new and pleasing exercises will add to the enjoyment of the evening. A Yankee supper, hot tea and coffee, oysters, and the usual variety of other refreshments will be served by the matrons and fair daughters of this good old town.

On Thursday evening the 14th instant, the play "Ten Nights in a Bar Room" was given before an audience of about 300 persons by a company of about a dozen from the town of Essex. This is a temperance drama, and it was very well produced by the amateur club

above alluded to. It was the opinion of many who heard it, that the club would do very well, and incidentally aid the temperance cause, by producing the piece elsewhere. There were some from out of town who improved the fine sleighing by driving in to witness the entertainment.

The Town Hall is provided with a fine eight hundred dollar piano, placed there by the brass band. It is desired that the town purchase it with the purpose of letting it as musical occasions may require.

The spirit of enterprise continues unabated here, notwithstanding the pressure of hard times upon every hand. Passing through this place, a short time since, the writer was surprised to see how great a change a few years can make. New streets invite to pleasant drives, and neat edifices recently erected enliven the way by their tasteful adornments.

Listening to the tale of bygone days, from the lips of an old gentleman, whose birth place was the Topsfield of olden time, we became convinced, however, that what we knew of change here was not worth mentioning. His powers of recollection brought before us the pretty village of Topsfield, reduced to three or four dwelling houses, one variety store, and one church of the Orthodox faith. The names Merriam, Balch, and Cleaveland, occurred to him as its inhabitants.

An incident related by this old gentleman, brings to view some of the severity with which the people of those days pressed ecclesiastical rules. When quite a small boy, his father went to hear a traveling preacher, a kind of revivalist. Being a member of the church, he was soon waited upon by a committee, who reproved him sharply, and demanded a confession of wrong doing. This was refused, with the assurance that he had only listened to the truth, and should an opportunity occur, he should again give attention to the same preacher. Thinking doubtless that this opportunity might never be enjoyed, they left with threatened expulsion should the offence be repeated. The annoyance, and discomfort occasioned by this interview aroused a prejudice in the mind of the child, which the passage of three score years and ten has been unable fully to eradicate.

Salem Gazette, Jan. 20, 1875.

The singing school here is making favorable progress under the instruction of E. P. Wildes, Esq., and his success is more than he expected, both in numbers and the talent in attendance. He will, in connection with the school, give a concert on Thursday evening, Feb. 4th, in the large upper Town Hall; admission 25 cents. The money raised will be used for the expense of the school. It is hoped a full house will be given by those who are lovers of music and wish to encourage the teaching of vocal music in our town.

The ladies of the Congregational Society gave an entertainment on Friday evening instead of Thursday, the latter night being stormy. Over 100 dollars were realized. The object was to meet the expense of a new furnace in the church. It is expected the entertainment will be repeated in part, with some changes of programme, in a few weeks.

The Sons of Temperance are prospering in their good work; the present officers are W. P., W. M. Perkins; W. A., H. Ray; R. S., Miss A. M. Long; A. R. S., Miss Abbie Kneeland; F. S., J. B. McLane; Treasurer, D. E. Hurd; C., W. P. Gould; A. C., Miss Nellie Gallop; Chaplain, Edwin Foster; I. S., Lewis Gould; O. S., C. W. Winslow; P. W. P., S. W. Raymond.

A Rich Man and Available Democrat.—We presume the following paragraph, which we copy from the Merrimack Journal, relates to Mr. T. W. Pierce, who has an estate in Topsfield, and who is a relative of the late ex-President Pierce. The railroad line referred to we suppose to be the Galveston, Houston, and Henderson road, of which Mr. Pierce is the President. The following is the paragraph, which may be overstated in some particulars, but which we present for what it is worth: "Among the richest men in this country, and probably the one in receipt of the largest revenues, is the owner of railroads in the South-west, roads which he has built and which he personally manages. He has one line in Texas of which 180 miles are in operation, and some fifty more building as fast as possible, of which he is almost the sole owner, just enough being in other hands to give a board of directors. He is one of the ablest men intellectually in the State, and on financial questions has no superior; and without ever holding civil office, to our knowledge, he has been consulted by more than one or two presidents of the United States attempting to solve financial problems. If ever the Democrats come fully into power and seek the highest practical talents to direct the affairs of the commonwealth, they will go to Topsfield for their candidate for governor."

Salem Gazette, Jan. 27, 1875.

The Topsfield Brass Band gave, in the Town Hall, on the evening of Monday, Jan. 25th, a vocal and instrumental concert, assisted by the leader of Carter's Band, of Boston. They were greeted with a fair and appreciative audience, also by the presence of the vocalist of the evening, Miss Florence Pierce of Boston, whose graceful and modest appearance made an impression on the audience, heightened by the pure, birdlike notes of her well-trained voice. Her selections were of a good order, comprising one of Millard's best songs, entitled "Longing," and a sparkling melody by "Ganz," well adapted

for displaying the flexibility and unusual high register of her voice. Each piece merited the encore which it received. The first was responded to by a pathetic ballad, "If papa were ready;" the second by Pinsuti's "I love my love." Mr. Norman McLoud, the young pianist, presided at the piano-forte with unusual taste and skill. He performed a bolero by Leybach, and a fantasie by Thalberg, in a manner that called forth a storm of applause from the audience. Mr. McLoud has a brilliant career before him, and we can but expect that the hopes of his numerous friends will be more than realized.

The singing school concert will be on Thursday, Feb. 4, if not very stormy; otherwise on Friday evening. The concert will merit a large audience. It is hoped the musical director will not be disappointed, as he will do all in his power to give a good concert.

The town hall has let much better than was expected. The small hall lets nearly every night in the week. And the large hall two or three times a week.

The report of the committee on Elections, giving to Mr. Salmon D. Hood, the seat of Mr. John H. Potter, was in accordance with common expectations, as it was quite obvious that he was the person intended by the 80 voters who voted for Solomon D. Hood. It is understood that special efforts were made with Saugus people to defeat the Republican nominee, through Mr. A. C. Orne of Topsfield, which action is supposed to have been instigated by the fact that Mr. Potter was a prohibition man, while Mr. Hood was a supporter of the license principle.

Salem Gazette, Feb. 12, 1875.

The new town library will be opened with not far from one thousand volumes. Regulations have been adopted by which books are, at the proper time, to be delivered between three and four, and from seven to nine, P. M. All residents of Topsfield, over twelve years of age, will be allowed to take out books.

Salem Gazette, February 23, 1875.

(To be continued)

VITAL STATISTICS OF TOPSFIELD, MASS.

FOR THE YEAR 1921.

BIRTHS.

1917.
June 23. Anne Proctor Ayer, dau. of Frederick and Hilda Proctor (Rice) Ayer.
1921.
Jan. 4. Julanta Fornaroli, dau. of Guiseppe and Rosaria (Goppetta) Fornaroli.
Feb. 16. Daniel Richard Fuller, son of Timothy Jesse and Edith Alma (Smith) Fuller.
Feb. 20. Nicola D'Agustino, son of Pasquale and Giovannina (D'Amore) D'Agustino.
Mar. 10. Beatrice Thelma Miner, dau. of Forrest Leonard and Dorothy Maud (Domey) Miner.
Apr. 20. Damiano (David) Gangi, son of Salvatore and Providencia (Rizza) Gangi.
Apr. 20. Louisa Marion Harrington, dau. of Frank E. and Marion Louise (Tallant) Harrington. Born in Salem Hospital.
Apr. 22. ———, dau. of Arthur A. and Clara M. (Daniels) Titus. Born in Salem.
May 8. Kilby Everett Roberts, son of Bertram M. and Annetta L. (Lindreth) Roberts.
May 22. Dorothy Ada Titus, dau. of Henry U. and Edna M. (Hicks) Titus. Born in Victoria Hospital, Salem.
May 26. Dorothy May Wildes, dau. of James William and Lila May (Deering) Wildes. Born in Salem Hospital.
May 30. Gertrude Isabel Richards, dau. of Osgood Samuel and Ruth Florence (Ford) Richards.
June 9. Henry Nadeau, son of Edmund and Rose (Ross) Nadeau.
June 26. Wallace Henry Kneeland, son of Clarence H. and Maude C. (Guptill) Kneeland. Born in Salem Hospital.
July 7. Grace Eva Elliott, dau. of Thomas E. and Violet (Towne) Elliott. Born in Victoria Hospital, Salem.
Sept. 2. John Bernard McDonald, son of James V. and Stella (McKay) McDonald. Born in Victoria Hospital, Salem.
Sept. 14. Elizabeth Ann Lawrie, dau. of Thomas and Elizabeth J. (Whannell) Lawrie.
Nov. 4. Harriett Elizabeth Hussey, dau. of Harry F. and Lillian B. (Gamans) Hussey. Born in Salem Hospital.
Nov. 7. Thomas Joseph Hicks, son of Melvin Henry and Beatrice Marie (Donnelly) Hicks.
Nov. 18. Alice Arline Maynard, dau. of Charles A. and H. Gladys (Flanders) Maynard.
Nov. 26. Anita Helen LaBonte, dau. of William and Alma G. (Jepsen) LaBonte. Born in Salem Hospital.

MARRIAGES.

1921.

- Mar 27. Clarence Walker Lake (Topsfield), son of William Goodrich and Margaret (Walker) Lake.
Harriet M. Gallagher (Salem), dau. of Barney and Mary (Clark) Gallagher. (Married in Salem.)
- April 6. George Lyman Holman (Dorchester), son of George and Annie E. (Kingsley) Holman.
Lulu Jessie Averill (Topsfield), dau. of Ephraim Perkins and Susan Josephine (Lake) Averill. (Married in Topsfield.)
- April 19. Forrest Warren Rust (Topsfield), son of Loring A. and Mary A. C. (Towne) Rust.
Jessie M. (Killam) Burnham (Topsfield), dau. of Frank W. and Elizabeth (Graves) Killam. (Married in Topsfield.)
- April 24. Wilfred Lorier Van Buskirk (Topsfield), son of Fred and May (Varner) Van Buskirk.
Helen Irwin Taylor (Topsfield), dau. of Ormond Curtis and Elizabeth (Carnes) Taylor. (Married in Topsfield.)
- June 4. Thomas Randolph Stevens (Danvers), son of Richard Henry and Catherine (Maha) Stevens.
Thelma Annie Welch (Topsfield), dau. of Charles Frank and Emma Augusta (Wallace) Welch. (Married in Danvers.)
- June 22. Ernest Leonard Pace (Topsfield), son of Albert William and Ella Maria (Perkins) Pace.
Corinne Blanche Rich (Danvers), dau. of Edgar Bertram and Cora Blanche (Perkins) Rich. (Married in Topsfield.)
- June 30. Henry Chester Williams (Topsfield), son of Henry B. and Mary F. (Parton) Williams.
Ursula Bailey (Topsfield), dau. of Merrill B. and Maud C. (Bailey) Bailey. (Married in Topsfield.)
- June 30. Roger Baxter Fiske (Topsfield), son of John Leonard and Bessie Louise (Frame) Fiske.
Elsie Macdonald Bremner (Topsfield), dau. of David and Jean (Barclay) Bremner. (Married in Topsfield.)
- Oct. 8. William Augustus Burgess (Topsfield), son of Fred S. and Sarah L. (Ware), Burgess.
Caroline Bell Post (Topsfield), dau. of Harvey D. and Annie Bell (Moody) Post. (Married in Salem.)
- Oct. 8. Dwight B. Andrews (Topsfield), son of William S. and Edith M. (McCormick) Andrews.
Annie J. MacLellan (Roxbury, Mass.), dau. of Donald and Margaret (MacDonald) MacLellan. (Married in Boston.)
- Nov. 28. Stephen Wheatland (Topsfield), son of Richard and Mary K. (Robinson) Wheatland.
Dorothy Parker (Brookline, Mass.), dau. of George Stanley and Sarah (Howe) Parker. (Married in Brookline, Mass.)

DEATHS.

1921.

- Mar. 11. Evalyn A. Longley, dau. of Stephen J. and Ann (Hodgkins) Palmer. Aged 67 yrs., 6 mos., 19 dys.
- Mar. 31. Caroline E. Pray, widow of Ruel B. Pray and dau. of William and Sally (Perkins) Gallup. Aged 87 yrs., 7 mos., 11 dys.
- Apr. 12. Edward H. Ferguson, son of Thomas and Hulda (Perkins) Ferguson. Aged 86 yrs., 10 mos., 17 dys.
- Apr. 23. ——— Titus, dau. of Arthur A. and Clara M. (Daniels) Titus. Aged 1 day. Died in Salem, Mass.
- June 12. Thomas H. Fitzsimmons, son of William H. and Bessie F. (Hall) Fitzsimmons. Aged 15 yrs., 29 dys.
- July 13. Kenneth Parlin, son of Philip and Freda (Welch) Parlin. Aged 2 mos., 27 dys.
- July 18. Grace E. Elliott, dau. of Thomas E. and Violet (Towne) Elliott. Aged 11 dys. Died in Salem, Mass.
- July 22. Marion Wentworth Peirce Pentecost, wife of Ernest H. Pentecost and dau. of Thomas W. and Catherine Cornelia (Cooke) Peirce. Aged 47 yrs., 1 mo., 19 dys.
- Sept. 4. George E. Sweeney, son of Charles and Anna H. (Lake) Sweeney. Aged 88 yrs., 11 mos., 24 dys.
- Sept. 29. Mary J. Dodge, wife of John H. Dodge and dau. of Thomas and Mary E. (Webber) Perkins. Aged 84 yrs., 23 dys.
- Oct. 27. Charles Frederick Dodge, son of George W. and Mary Ann (Dodge) Dodge. Aged 73 yrs., 8 mos., 3 dys.
- Dec. 2. Sarah Elizabeth Hooper, dau. of Ebenezer LeCraw and Elizabeth (Russell) Hooper. Aged 69 yrs., 7 mos., 10 dys.
- Dec. 19. Mary Ann Lake, widow of Henry W. Lake and dau. of Aaron P. and Elizabeth (Phillips) Kneeland. Aged 81 yrs., 6 mos., 22 dys.

DEATHS IN OTHER PLACES—INTERMENT IN TOPSFIELD

1921.

- Mar. 2. Clarence W. Clapp, died in Danvers, Mass. Aged 67 yrs.
- Mar. 13. Mary A. Bennett, died in Lynn, Mass. Aged 69 yrs.
- Mar. 26. ——— Marks, died in Melrose, Mass. Stillborn.
- May 29. Lester C. Castle, died in Lynn, Mass. Aged 21 yrs., 25 dys.
- June 27. T. Dwight Billings, died in Lynn, Mass. Aged 77 yrs., 9 mos., 10 dys.
- July 18. Grace E. Elliott, died in Salem, Mass. Aged 11 dys.
- Sept. 5. Harriet M. Chapman, died in Amesbury, Mass. Aged 87 yrs., 7 mos., 13 dys.
- Sept. 14. Althea O. Wildes, died in Hamilton, Mass. Aged 74 yrs., 8 mos., 1 dy.
- Oct. 22. Susan J. Averill, died in Boston, Mass. Aged 83 yrs., 4 mos., 22 dys.
- Oct. 26. Ruth G. Phillips, died in Lawrence, Mass. Aged 81 yrs., 3 mos., 22 dys.
- Oct. 29. Henry G. Merriam, died in Haverhill, Mass. Aged 65 yrs., 10 mos.,
- Oct. 30. George L. Gould, died in Malden, Mass. Aged 69 yrs., 8 mos., 24 dys.
- Dec. 25. William E. Poor, died in Georgetown, Mass. Aged 72 yrs., 2 mos., 12 dys.

CHRONOLOGY OF EVENTS IN 1921.

- April Rev. Julian S. Rea of Weymouth, appointed to the pastorate of the Methodist Episcopal Church.
- Sept. 12. Largely attended town meeting votes to indemnify the State against all claims for land damages in connection with the reconstruction of the Turnpike through Topsfield.
- Sept. 23-24. Annual Cattle Show and Fair visited by about 20,000 persons. Horse racing on the new race track.
- November Monument erected on the Common "In Honor of the Men and Women of Topsfield who helped restore Peace to a World at War, 1914-1919."
- Nov. 27. Severe ice storm; roads blocked by fallen trees; electric lights and telephones out of commission for over a week.
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BUILDINGS CONSTRUCTED DURING THE YEAR 1921.

- Ovide Bouchard, Central St., barn and garage.
- Miss Margaret Cummings, River St., gardner's house.
- Wellington Donaldson, Park St., garage.
- E. Everett Ferguson, High St., garage.
- Essex Agricultural Society, Turnpike, exhibition hall.
- Lake-Elliott house, North Main St., house remodelled, roof changed.
- John L. Saltonstall, farmhouse, River St., barn and outbuildings.
- Edward Wigglesworth, Cross St., farmhouse remodelled, barn and outbuildings erected.
- Sargent H. Wellman, Wenham St., garage, house interior remodelled.
- Bradley W. Palmer, Ipswich St., Hoyt house burned.

